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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

ESTONIA*

[5 July 2001]

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* The information submitted by Estonia in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.50/Rev.1).

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Introduction

1. This report contains information on legislation and practices relevant to the Covenant as of 31 December 1999. The information about the later developments will be given in the next periodic report.

2. This report has been compiled by the Ministry of Social Affairs and the Ministry of Foreign Affairs on the basis of contributions from the relevant ministries and offices.

Article 1

3. Estonia is party to the International Covenant on Civil and Political Rights. The instrument of accession to the Covenant was deposited by the Republic of Estonia with the United Nations Secretary-General on 21 October 1991. The Covenant entered into force with respect to the Republic of Estonia pursuant to article 49 (2) on 21 January 1992. On 30 April 1993 the Covenant was published in the State Gazette (RT II 1993/10-11/11).

4. The Republic of Estonia has submitted its initial report on the International Covenant on Civil and Political Rights (CCPR/C/81/Add.5) which the Human Rights Committee considered at its 1455th and 1459th meetings, on 23 and 25 October 1995, and adopted concluding observations (CCPR/C/79/Add.59). Reference is made to the initial report about this article.

5. In addition to the above, article 2 of the Constitution stipulates that the land, territorial waters and airspace of the Estonian State are an inseparable and indivisible whole. Pursuant to article 5, the natural wealth and resources of Estonia are national riches which shall be used economically.

6. With a view to implementing the principles enshrined in the Constitution, a number of legal acts have been adopted to protect nature and natural resources. Also, several national programmes have been prepared in the field of natural protection. A selection of legislation concerning the natural environment is provided below.

7. According to the Sustainable Development Act, the objective of the sustainable use of the natural environment and natural resources is to provide a suitable environment for the human being and the necessary resources for economic development without harming the natural environment and preserving natural diversity. This legal act is also based on the principle provided in the Constitution by which everyone is obliged to preserve the living and natural environment and to avoid damaging it. The freedom to control property and carry out entrepreneurial activities has been restricted pursuant to the need to protect nature as a common resource of mankind and as a national treasure. One of the main requirements for economic activities is to minimize pollution of the natural environment and to use natural resources only in quantities that ensure the preservation of the natural balance. The planning of activities with a cross-border impact or with a potentially major impact on the natural environment and the joint organization of environmental protection is carried out in international cooperation. The natural environment and the use of natural resources are regulated by usage and fee rates that are established by taking account of the impact of natural use on the environmental situation. Environmental protection obligations arising from international agreements are carried out on the

basis of national programmes approved by the Government of the Republic. Respective development plans are prepared for economic sectors and in regions where environmental pollution and the use of natural resources may endanger the natural balance or biological diversity, the development is being guided by national development plans.

8. The Protected Natural Objects Act lays down the procedure for placing natural objects under protection, explains the essence of protection and establishes the rights and obligations of land owners, land users and other persons towards protected natural objects.

9. The purpose of the Water Act is to ensure the purity and ecological balance of inland and border waters and ground water. The Water Act also regulates the use and protection of water.

10. The Forest Act regulates the management of forest as a renewable natural resource to ensure a human environment which satisfies the population and the resources necessary for economic activity without unduly damaging the natural environment.

11. The Right to Use Natural Resources Act lays down the basis for the usage and rates of usage of natural resources.

12. The Environmental Supervision Act lays down the principles for environmental supervision. Environmental supervision involves constant monitoring of the environmental situation and factors affecting it with the objective of forecasting the environmental situation and obtaining data for preparing programmes and development plans. The Environmental Supervision Act establishes the rights and obligations of persons who exercise and manage State environmental supervision, the rights and obligations of persons who are subject to State supervision, and the procedure for supervisory operations.

Article 2

Prohibition on discrimination

13. Basic human rights and freedoms form chapter II of the Constitution.

14. The Constitution states that the rights, liberties and duties of everyone and all persons, as listed in the Constitution, shall be equal for Estonian citizens as well as for citizens of foreign States and stateless persons who are sojourning in Estonia (art. 9). In accordance with article 12, all persons shall be equal before the law. Discrimination on the bases stipulated in article 2 (2) of the Covenant is prohibited. Article 11 of the Constitution states that rights and liberties may be restricted only in accordance with the Constitution. Such restrictions must be necessary in a democratic society, and their imposition may not distort the nature of the rights and liberties.

15. The incitement of national, racial, religious or political hatred, violence or discrimination shall be prohibited and punishable by the law. The incitement of hatred, violence or discrimination between social strata shall equally be prohibited and punishable by law (articles 12 of the Constitution).

16. All persons shall have the right to the protection of the State and of the law.

17. The accordance between the Constitution and the Covenant is further guaranteed in the Constitution which states that "if Estonian laws or other acts contradict foreign treaties ratified by the Parliament, the provisions of the foreign treaty shall be applied" (art. 123).

18. The protection of rights and liberties is fully guaranteed to all persons, both citizens and non-citizens (articles 11, 13, 14, 15 of the Constitution). The main instrument for this protection is the courts, which are independent in their activities (article 146 of the Constitution).

19. Every person shall have the right to bring a case before the courts if his or her rights or liberties have been violated (article 15 of the Constitution). Aliens and stateless persons in Estonia have the right to protection by the courts, equal to the right for Estonian citizens, if not otherwise established in international treaties entered into by the republic of Estonia (article 4 (2) of the Courts Act).

20. Pursuant to article 72^1 of the Criminal Code, direct or indirect restriction of individual rights or establishing direct or indirect preferences to an individual subject to his or her nationality, race, colour, native language, gender, language, social origin, religion, political or other opinion, material or social status or other circumstances is punishable with a fine or detention.

21. The legal acts of Estonia contain no legal definition of discrimination or definition of direct and indirect discrimination. Pursuant to the law, discrimination is:

- inequality before the law;
- unequal rights;
- allowing and granting illegal advantages and restriction of rights;
- restriction of individual rights or establishing preferences.*

22. There are no provisions providing special compensatory measures in the case of discrimination. Article 25 of the Constitution provides that everyone has the right to compensation for moral and material damage caused by the unlawful action of any person.

23. The Constitution establishes that only laws, which have been published, shall have obligatory force. All legal acts of Estonia are regularly published in the Riigi Teataja (State Gazette), which is readily available to the public. The most significant legal acts are also often published in the press. Estonian legal acts are also issued in Russian and regularly published in Estonian Legislation in Translation, containing Estonian legal acts translated into English.

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* On the basis of the Constitution, Child Protection Act, Employment Contracts Act, Wages Act, Criminal Code.

24. The text of the Covenant was published in 1993 in the International Treaties section (II) of the State Gazette. The text is available in all libraries, as is the Russian text of the Covenant.

25. The text of the Covenant is also contained in various United Nations publications.

26. Most libraries, educational institutions, State agencies, private companies and organizations are connected to the Internet, enabling easy access to international documents, including the Covenant.

Equal treatment of persons with disabilities

27. Pursuant to article 28 of the Constitution, families with many children and persons with disabilities shall be under the special care of the State and local governments. Therefore, the central and local governments need to implement additional measures to enable persons with disabilities to exercise the same rights as other people. The objective of the General Concept of Disability Policy of Estonia is to implement measures that compensate for the disability. These measures are not aimed at granting the disabled special treatment or benefits but instead to provide them with the same starting position and equal opportunities.

28. According to the General Concept of Disability Policy of Estonia, disability is defined as the loss or a disorder of some anatomical physiological or psychological structure or function of a human being. The definition of disability as provided in the Social Benefits of Disabled Persons Act is practically the same, stating that disability is the loss or abnormality of physiological, psychological or anatomical structure or function (art. 2). The State Pension Insurance Act contains the notion of "permanently incapacitated to work" (art. 11).

29. Both the Employment Contracts Act and the Wages Act contain provisions prohibiting discrimination. While neither legal act prohibits discrimination on the basis of disability or invalidity, it does not mean that discrimination is allowed.

30. In recent years the central and local governments have initiated several projects aimed at improving the opportunities of disabled persons and at reducing their exclusion from society. Action has been taken towards raising public awareness on persons with disabilities, on their situation and the problems they face, and towards preventing and reducing discriminatory attitudes. In this work, associations, societies, unions and other organizations of disabled persons play a significant role. As of 1 January 1999 there were 27 national and nearly 250 local disabled persons' organizations. One of the main objectives of these organizations is to improve public attitudes towards disabled persons. With a view to increasing the contribution of disabled persons to solving their problems, the Estonian Board of Disabled Persons was set up. This Board is made up of representatives of disabled persons' organizations. Similar boards have been set up locally.

31. One of the examples of such efforts is a European Union Phare Consensus Programme, "Social Protection of Persons with Disabilities", which was conducted in Estonia in 1997-1998 and which included a media awareness campaign component.

Equal treatment of the elderly

32. The committee on elderly policy that is set up at the Ministry of Social Affairs has prepared the conceptual principles of the policy for the elderly. The concept is used to draft further legal acts and to amend existing legislation. Pursuant to the concept, a development plan for the next few years will be prepared containing specific measures to ensure the protection of the economic, social and cultural rights of the elderly.

33. The Estonian legislation contains no specific provisions prohibiting discrimination on the ground of age. According to the definition provided in the National Concept on Elderly Policy, an elderly person is someone who is 65 years old or older.

34. In practice, discrimination on the ground of age may occur in seeking employment (the employer chooses a younger applicant even when the older applicant has a higher education and more experience). However, at this time there are no court rulings addressing this issue.

35. Labour legislation contains provisions which restrict employment in certain professions if the person has reached a certain age. Pursuant to article 108 of the Employment Contracts Act, an employer has the right to terminate the employment contract of an employee if the employee has attained 65 years of age and he or she has the right to receive full old-age pension. The Public Service Act states that an official may be released from the service due to age when he or she attains 65 years of age (art. 120.)

36. The Adult Training Act lays down the possibility of obtaining education at any age, including for the elderly. Supplementary educational activities among the elderly are provided through various hobby clubs, so-called "third youth universities", daily study centres, training courses, etc.

37. Since Estonia is in transition, the elderly living in Estonia have been forced to adapt to new political, economic and social conditions. Although no systematic studies have been done on the situation of the elderly, selected surveys and research have been conducted by the Tallinn Pedagogical University and the Tartu University. Research has shown that persons of retirement age who are both earning wages and receiving a State allowance are satisfied with their lives. Those elderly who only receive a State allowance and subsistence benefits find their lives below satisfactory level. When they reach retirement age, these persons are likely to be forced to give up several cultural services, make changes in diet, and reduce spending on clothing and household goods in order to make ends meet without external financial support. At the same time they will be able to apply for social benefits, social counselling and home care. Day centres for the elderly, modern nursing homes and hospitals have also been set up.

38. Organizations that have been set up in Estonia on private initiative for the elderly include:

- pensioners' organizations (Estonian Pensioners' Association, Estonian Pensioners' Society);
- dance and song societies;

- hobby clubs;

- sports societies, etc.

Article 3

39. Estonia has ratified and submitted a report on the fulfilment of the ILO Equal Remuneration Convention, 1951 (No. 100).

40. Estonia ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1992.

41. The principle of equality of men and women is provided in article 12 of the Constitution by which everyone is equal before the law. No one shall be discriminated against on the basis of sex.

42. Estonia has not yet enacted special legislation regulating gender equality.

43. Pursuant to the Employment Contracts Act, it is illegal to give preferences or to restrict rights on the grounds of the sex, nationality, colour, race, etc. of employees or employers (art. 10). At the same time it is not illegal to allow and give preferences based on pregnancy or the raising of children, or to take into account the sex of an employee in hiring or assigning duties if this is unavoidable due to the nature of the work or working conditions.

44. The Employment Contracts Act provides that it is prohibited to hire and employ women for heavy work which poses a health hazard, or for underground work (art. 35).

45. Pursuant to the law, the Government of the Republic has established a list of heavy and health-hazardous jobs that are prohibited for women. It has also compiled a list of underground work related to sanitary and other services that women are allowed to provide. The list contains jobs and professions relating to more than 40 production activities dating back to Soviet times. The Employment Contracts Act is being amended in connection with the forthcoming accession of Estonia to the European Union. Upon adoption of the amendment, all provisions that contradict the principle of equal treatment will be repealed or amended, including those provisions that are no longer valid from the viewpoint of protecting women.

46. Pursuant to the Wages Act, it is prohibited to increase or reduce wages on the grounds of an employee's sex, nationality, colour, race, native language, social origin, social status, etc. It is prohibited to reduce wages on the grounds of marital status and family obligations (art. 5).

47. In handling more than 993 individual labour disputes, no cases of discrimination have been detected either by labour dispute committees or courts.

48. In the 1990s the Republic of Estonia held three parliamentary elections, in 1992, 1995 and 1999. The share of women among the candidates has been increasing gradually. Women made up 14 per cent, 17.4 per cent and 26.9 per cent of the candidates, respectively. The share of women MPs was 13 per cent, 11.9 per cent and 17.8 per cent, respectively.

49. Out of 15 Cabinet members 2 are women: the Minister of Culture and the Minister of Ethnic Affairs.

50. There are more than 160 women's organizations in Estonia. Gender research centres operate in Tartu and Tallinn. The Equality Bureau was set up in the Ministry of Social Affairs in 1996.

51. Estonia is developing a legislative and socio-economic environment that promotes equal opportunities. The national policy on equal opportunities and relevant legislation are being drafted. The strategy of promoting gender equality is based on the equality concept focusing on partnership, uniform rights, responsibility and mainstreaming. The long-term objective of the national policy on equal opportunities is to change outdated stereotypes on the role of social genders and in the general mentality of Estonian society. In parallel with this strategy, activities are directed at individual gender-based groups with the goal of ensuring equal opportunities in the field of employment, conciliation of working and family life, education and promotion. The objective of the draft Equality Act is to create the preconditions for developing national structures in the field of equality.

52. Permanent cooperation contacts have been established with other State institutions and non-governmental organizations. Activities organized in the framework of various projects include training workshops for public servants, analysis of legislation of other countries and Estonia, research work, international projects, exchange of information with international organizations (UNDP, Swedish International Development Agency SIDA, ILO, Nordic Council of Ministers, etc).

53. The ministers of the Baltic and Nordic countries approved a cooperation plan in the field of gender equality in 1997. Projects implemented in 1998-2000 were predominantly aimed at strengthening cooperation between officials.

54. National institutions have benefited most from the provision of training and support activities that help Estonia fulfil its international obligations in the field of legislation, development of national structures and information procedures. Other important sectors are dissemination of information, development of a research network, support of gender studies, and the reduction of violence (in particular, family violence.)

55. The developments in guaranteeing the equal economic, social and cultural rights of men and women provided in the Covenant are described separately in each section of this report.

Cooperation projects in the Ministry of Social Affairs

56. Projects have been undertaken with the following countries/organizations:

(a) Sweden: The Narva Project envisages the establishment of a local and national network of women's organizations, the organization of seminars during Women's Week, and the encouragement of cooperation between Estonian and Russian women. The cost of the one year (1999) project is SEK 529,292.

(b) UNDP:

(i) Capacity-building in gender policy (EST/94/Q05); cost: US$ 58,950; duration: 1995-1997;

(ii) Promotion of gender equality mainstreaming (EST/98/Q05); cost: US$ 75,790; duration: 1998-1999.

(c) ILO: More and better jobs for women (EST/98/MO1/FIN); cost: US$ 59,200; duration: 1999-2000. The first phase of the project is directed to shaping a favourable environment for entrepreneurship and training of about 200 civil servants, representatives of local government and women future entrepreneurs.

Article 6

Right to employment

57. As a Member State of the United Nations, the Republic of Estonia observes the provisions of the Universal Declaration of Human Rights under article 23 of which everyone has the right to employment and to freely choose work.

58. Estonia ratified the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) in 1996; the Unemployment Convention, 1919 (No. 2) and the Night Work of Young Persons (Industry) Convention, 1919 (No. 6) were ratified in 1922.

59. Estonia has ratified the European Convention on Human Rights, article 4 (2) of which prohibits forced labour or mandatory work.

60. On 4 May 1998 Estonia signed the amended European Social Charter, article 1 of which, "Right to Employment", guarantees the right to free choice of employment.

61. Pursuant to article 29 of the Constitution, an Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. Citizens of foreign States and stateless persons who are in Estonia share this right with Estonian citizens, unless otherwise provided by law. No one shall be compelled to perform work or service against his or her free will, except in certain internationally recognized special cases pursuant to ILO Conventions No. 29 and No. 105. During a state of emergency or a state of war, the rights and freedoms of a person may be restricted and duties may be placed upon him or her in the interests of national security and public order. This will only occur under conditions and pursuant to procedures prescribed by law.

62. Article 29 of the Constitution stipulates that the State shall assist persons who seek employment in finding work.

63. Pursuant to article 10 of the Employment Contracts Act, it is illegal to allow or give preferences or to restrict rights on the grounds of the sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces of employees or employers. It is also illegal to restrict the rights of employees or employers on the grounds of marital status, family obligations, membership in citizens' associations, or representation of the interests of employees or employers.

64. Minors enjoy equal rights with adults in employment relationships and disputes, and they have benefits prescribed by law, administrative legislation and collective agreements (art. 12).

65. The Social Protection of the Unemployed Act regulates the provision of employment services and payment of State unemployment benefits through State employment offices in cases of unemployment. All job seekers have the right, without charge, to information on vacant jobs and on opportunities for employment training, employment mediation and legislation concerning protection of the unemployed. In addition, persons who are registered as unemployed and persons who receive disability pension and are partly incapacitated for work have the right to employment training, employment subsidies and community placement. Employers also have the right to apply for employment subsidies (arts. 9 and 11).

66. Pursuant to article 9 of the Aliens Act, aliens require a work permit and a residence permit in order to work in Estonia. Temporary residence permits are issued for a term of up to five years. A permanent residence permit may be issued to aliens who have resided in Estonia on the basis of a temporary residence permit for at least three years within the last five years. Aliens who hold a permanent residence permit do not require a work permit.

67. A temporary work permit is issued to an alien for employment with a specific employer if in the course of two months no sufficiently qualified person has been found in Estonia in a public tender for the job applied for by the alien. If the employment contract with the specific employer is prematurely terminated, the work permit is revoked and, after three months, the residence permit is also revoked.

68. The Estonian legislation contains certain provisions that are aimed at providing employment for disabled persons who are unemployed. The Social Protection of the Unemployed Act and its implementing act provide for an employment subsidy payable to employers who employ a person with a disability.

Employment

69. The situation of the Estonian labour market has changed notably since 1989. This has been partially due to the transition from a centrally planned economy to a market economy, causing economic restructuring and some demographic changes.

70. The population dropped by 27,000 persons because of the negative birth rate and by more than 83,000 persons because of migration from 1989 to 1997. The economically active population aged 15-69 fell from 77 per cent in 1989 to 68 per cent in 1997. At the same time, the number of employed persons decreased by more than 190,000. Since 1 January 1994, the number of persons of working age has been increasing yearly because of the increase in the retirement age. The retirement age of men has been raised from 60 years to 63 years. The retirement age of women has been raised from 55 years to 58 years, and will be further increased to 63 by the year 2016.

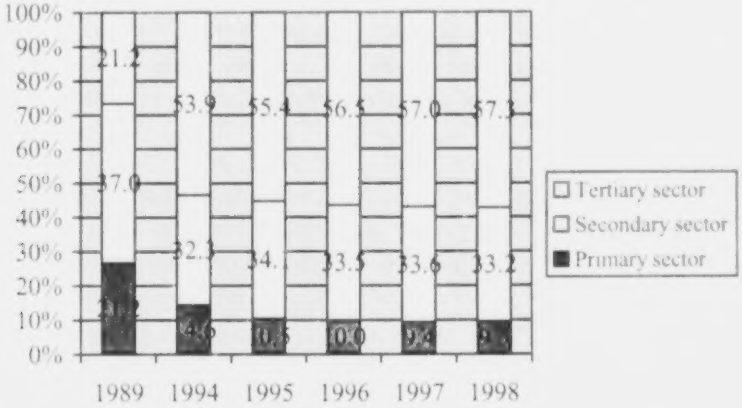
71. The number of employed persons has fallen, predominantly in the primary sector (agriculture, fishing, mining) but also in the secondary sector (industry and construction). The number of employed persons has risen in the tertiary sector (services) and the social sector. This has been primarily due to the rapid development of trade and financial services.

Figure 1. Employment by three main sectors 1989-1998

Tertiary sector - service sector.

Secondary sectors - mining, processing industry, energy, gas and water supply, construction.

Primary sector - agriculture, hunting, forestry and fishing.



Source: Labour Force Surveys.

72. Since 1995, a fall in employment and unemployment growth was replaced by a more stable development. In 1995-1998 the number of workers fell by 13,000 persons. The level of employment stabilized at 61-62 per cent and the unemployment rate at 10 per cent.

Table 1. Population by employment (aged 15-69)

	1989	1994	1995	1996	1997	1998
Employed (000)	837.9	692.6	656.1	645.6	644.1	636.2
Unemployed (000)	(4.7)	56.7	70.9	71.9	69.4	70.2
Non-active (000)	253.8	320.1	334.6	336.5	333.6	337.8
Employment rate (%)	76.4	64.8	61.8	61.3	61.5	60.9
Unemployment rate (%)	(0.6)	7.6	9.7	10.0	9.7	9.9

Source: Statistical Office.

73. The role of agriculture and industry in employment has decreased and the importance of the service sector has grown. The biggest changes have taken place in the primary sector where the percentage of agricultural workers of the total number of employed has fallen from 18 per cent in 1989 to 8.4 per cent in 1998. In the tertiary sector, the role of trade, financial mediation, real estate, public government and education in employment has increased. It is estimated that the biggest number of new jobs will be created in the service sector and the number of employees in this sector will continue to increase.

74. In the second quarter of 1998, 9.3 per cent of the employed were interested in working more hours and were looking for additional work. Part-time workers made up 8.6 per cent of the employed. In comparison with 1989, the popularity of part-time work has increased by almost three times.

Multiple jobs

75. Pursuant to article 17 (1) of the Working and Rest Time Act, a person may work in multiple jobs. By law, the statutory working time is 40 hours a week, in addition to which a person may work in a second job for 20 hours a week. On the one hand, the second job in many cases is held by top specialists and experts who give lectures or prepare expert opinions in those fields where there are very few specialists in Estonia. On the other hand, many people with more than one job do so to increase their income level.

76. According to the 1997 Labour Force Survey, 57,000 employees, representing 9 per cent of the total number of employed, had a second job. Of them, 70 per cent had permanent second jobs. More than a quarter of those who had a second job were entrepreneurs. Most second jobs were in the service sector (70 per cent). More than half of those who had a second job earned in addition up to one third of their income from the main job. Of 57,000 workers who had a second job in 1997, 26,000 were women and 30,000 were men.

Table 2. Employed persons by sex and number of jobs, 1989-1997 (annual average, %) (persons aged 15-69)

Number of jobs	1989	1990	1991	1992	1993	1994	1995	1996	1997
Total									
One job	90.3	89.7	89.4	89.5	88.9	88.1	91.8	90.6	92.2
Two or more jobs	9.7	10.3	10.6	10.5	11.1	11.9	8.2	9.4	7.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Males									
One job	89.7	89.1	89.0	89.1	88.5	87.7	91.1	89.6	91.6
Two or more jobs	10.3	10.9	11.0	10.9	11.5	12.3	8.9	10.4	8.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females									
One job	91.0	90.3	89.9	89.9	89.5	88.5	92.6	91.7	92.9
Two or more jobs	9.0	9.7	10.1	10.1	10.5	11.5	7.4	8.3	7.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Statistical Office.

Unemployment

77. The registration of unemployed began in 1991. The number of long-term unemployed has grown constantly from 28.1 per cent of all unemployed in 1993 to 45 per cent in 1998. The situation is particularly serious in rural areas where there are practically no vacant jobs.

78. Until 1992 unemployment was higher in urban areas, but in recent years rural unemployment has grown more rapidly. In 1997 the unemployment rate in the countryside was 11 per cent and in urban areas it was 9 per cent.

79. Unemployment rates in different regions may differ by two to three times. According to Labour Force Surveys and registered statistics, unemployment has been greatest in Ida-Viru county and in south-east Estonia for years. This is partly attributable to the low mobility of Estonians - in the case of loss of work, Estonians are reluctant to look for a new job in other counties.

80. Estonians represent 68 per cent of the employed people and 51.5 per cent of the unemployed. One of the reasons why non-Estonians find it difficult to find work is their lack of command of the Estonian language.

81. A comparison of the employed and unemployed shows that the unemployed have a lower level of education, as well as a more general education. For instance, persons with higher education made up 20.6 per cent of employed and 7.2 per cent of the unemployed in 1997, while 18 per cent of the employed and 25.6 per cent of the unemployed had elementary or basic education. This demonstrates that the higher the education level of an individual, the better his or her chances in the labour market.

82. Although unemployment remains relatively high, there is also a substantial lack of qualified labour. Therefore, the unemployment in Estonia is mostly structural, indicating a mismatch between labour supply and demand. Since a growing economy needs highly qualified specialists and skilled workers, education obtained years ago is no longer competitive in the modern labour market. In addition, young basic school graduates who register as unemployed have no vocational education. Labour market training is therefore very important. While in 1993 only 3.2 million EK were spent on organizing labour market training, the amount had increased to 21 million EK by 1994.

Table 3. Expenditure of social protection of the unemployed (thousands EK), 1993-1998

	1993	1994	1995	1996	1997	1998
Benefits paid	36 181.4	32 411.7	27 366.6	39 278.0	50 052.8	57 113.6
Training costs	3 276.8	21 084.5	17 546.9	23 063.9	27 899.0	27 759.7
Training grants paid	634.2	2 906.8	4 724.3	4 959.1	5 371.6	4 071.4
Paid for community placement	362.0	1 986.5	1 100.4	2 228.7	2 310.6	1 881.6
Employment subsidies paid for starting a business	368.9*	1 792.0	3 636.3	3 744.5	3 947.2	3 703.6
Employment subsidies paid for employer		198.3	341.6	802.7	961.3	1 085.9

Source: Statistical Office.

* Total employment subsidies payable to employers and to the unemployed.

Employment of men and women

83. Surveys show that in the 1990s the employment rate of women* fell slightly faster than that of men. In 1989, 71 per cent of women aged 15-69 and 82 per cent of men were employed. In 1997, the figures had fallen respectively to 62 per cent and 67 per cent.

84. Analysis shows that the rate of employment fell predominantly as a result of older workers, particularly women, leaving the labour market. The number of economically active women of retirement age fell more than that of men. The closure of large enterprises triggered a wave of layoffs that at first mainly affected women.

85. The fact that young women were excluded from working life at the end of 1980 was attributable not only to redundancies, but also to the increase in the birth rate and the extension of parental leave.

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* There are major differences in the employment rate of men and women (share of employed in the employable population): men's employment rate is notably higher than women's. In 1997 men's employment rate was 67.6 per cent as opposed to 56 per cent for women. It should be noted, however, that the employment rate of men and women is clearly correlated with age.

86. These general trends show the following. The employment rate of women up to 34 years of age is considerably lower than the employment of men of the same age group. This demonstrates the particular role of women in the Estonian family. A decision to have children inevitably means that women will stay away from the labour market for a shorter or longer period. Traditionally, childcare is mainly the duty of women in Estonia. In the age group of 35-54 years, the employment rate for men and women is roughly the same (83-85 per cent). However, in older age groups the employment rate of women is notably 1.5 to 2 times lower than that of men. There are several explanations for this decline including women's lower retirement age, their difficulties in finding work at this age, as well as other personal reasons.

87. It should be noted that employment has been falling among both men and women. Whereas the fall in involvement in the labour force was notably larger among women than men, the fall in employment was similar for both groups. Men's employment fell 14.5 per cent from 82.1 per cent in 1989 to 67.6 per cent in 1997. The respective fall among women was 15.3 per cent, from 71.3 per cent to 56 per cent. The most dramatic change in the employment rate took place in 1992-1993 when the Estonian economy began its final restructuring process. It reshaped the situation of the labour market as shown by the following figures. In 1991 the employment rate was 80.5 per cent among men and 66.6 per cent among women. Three years later the rates were 72.2 per cent and 58 per cent, respectively. In a very short period, employment fell dramatically among both sex groups.

88. Throughout the whole transition period described above, employment in rural areas has been lower than in towns. In recent years, it has fallen particularly rapidly, especially among rural women. In 1997, only 45.5 per cent of them were employed. Gender-related differences in employment are bigger in rural areas than in towns.

89. Economic restructuring and job cuts also triggered other processes in the labour market, such as the proliferation of part-time work. This has been more popular among women, who make up two thirds of all part-time workers. For some people this switch to part-time work has been unavoidable, while for others it was a voluntary decision. The latter are mainly pensioners wishing to retain full pension and younger people who are often trying to integrate paid work with studies. In comparison with women in the same age group, younger men tend to work more often in full-time positions on the basis of long-term employment contracts. On the other hand, there were more younger women than men in the group who worked part-time or had a temporary or contractual work.

90. Estonia is a society of wage earners. Although the first private undertakings had already begun in the mid-1980s, the combined share of entrepreneurs was only around 6 per cent 10 years later. Men, as a rule, have been more active in entrepreneurship than women. In 1997 the share of entrepreneurs among men was 9.1 per cent, three times more than among women (3 per cent). In the last decade, this ratio has generally remained stable.

91. In terms of entrepreneurship, the most activity has occurred in the fields of agriculture and trade. Among men, these sectors are followed by industry and construction, while for women they are followed by catering and industry.

92. According to Labour Force Surveys, the unemployment rate of men is higher than that of women (55 per cent among men and 45 per cent among women in 1997.) Among the registered unemployed, however, there are more women than men.

Unemployment of young people

93. Unemployment is highest amongst young people aged 15-24. In 1997, it was 14 per cent. Amongst the 25-49 age group it was 10 per cent. Within the last five years (from 1994 to the second quarter of 1998), the unemployment rate amongst young people has increased from 11.6 per cent to 14.5.

94. The employment of young people is often complicated because of their lack of vocational skills and professional experience.

Unemployment among persons with disabilities and pensioners

95. According to the Social Insurance Board, 12 per cent of recipients of disability pension and 17 per cent of recipients of old-age pension were employed in 1997. By the end of 1997, retirement age was 56.5 years among women and 61.5 years among men.

Table 4. Disability pensioners, 1995-1998

Year (1 January)	Total	Of which of working age	Of which employed
1999	62 522	38 639	8 189
1998	59 938	36 942	7 428
1997	57 636	35 514	6 763
1996	55 250		6 231
1995	52 339		5 718

Source: Statistical Office.

96. Of all employed disability pensioners, up to 1, 000 are employed in undertakings owned by disabled persons' organizations and in other forms of sheltered work. Approximately 4,800 persons are employed in an open labour market.

97. The unemployment rate amongst the older age group, 50-69 years, has increased more slowly than in other age groups. In comparison with the two previous years, the unemployment rate fell amongst 50 to 69-year-olds in 1997.

98. Many non-working older people stay at home to take care of their grandchildren, sick people or disabled family members.

Increasing employment

99. The main objective of Estonia's economic policy is to provide the conditions and opportunities for the development and functioning of entrepreneurship and for the creation of new jobs. According to the State Support to Entrepreneurship Act, self-employed persons and undertakings that employ up to 80 workers are eligible for a State entrepreneurial subsidy (art. 1).

100. Pursuant to article 9 of the Income Tax Act, State direct subsidies are not subject to income tax. In addition to entrepreneurship subsidies, direct subsidies were also paid to agricultural producers in 1998 and 1999, and these producers are exempt from income tax. A capital subsidy for the acquisition of fixed assets or for financing construction is not considered income for tax purposes and the amount of capital subsidy is not deducted from the acquisition cost of fixed assets when calculating tax depreciation or entering in costs.

101. The Estonian Government has approved a support programme for small and medium-sized enterprises. Support will be given either in the form of a loan (for up to 75 per cent of investments), a loan guarantee or as capital support. A number of foundations have been set up for supporting employers: the Enterprise Credit Foundation, the Regional Development Foundation and the Agriculture and Rural Life Credit Foundation.

102. In the course of economic reforms, Tallinn and its environs have become the biggest business centre in Estonia. To reduce regional differences, the Government approved six regional development plans. It also gave its approval for regional loans and to a regional system for supporting entrepreneurship. Regional development programmes are aimed at supporting the development of the islands, monofunctional settlements, Ida-Viru county (mostly non-Estonian residents), village movements, border areas and marginal areas. The loans are aimed at developing undertakings that will play a key role in the region, as well as at improving business opportunities and creating new jobs in areas with high unemployment. Applications for subsidies may be submitted by private persons, non-governmental organizations, local governments and employers.

103. The first regional employment agreements and other forms of cooperation are being developed between regional authorities and social partners, specifically in Ida-Viru county.

104. The National Labour Market Board was established in 1990. A network of 21 local employment offices was set up in 1991 in all administrative centres of 15 counties and 6 bigger towns. By 1994, a State employment office network was created from local government and county government employment offices. There were 33 State employment offices in 1998.

105. State employment offices work in parallel with private employment agencies.

106. According to the Employment Services Act, a State employment office provides jobseekers and employers with free employment services. Private employment agencies are required to apply for a license and to submit regular statistical reports of their activities. By law, employers are required to notify State employment offices of vacant jobs.

107. Preparations to ratify the ILO Private Employment Agencies Convention, 1997 (No. 181) have begun.

108. In 1998 a project was launched to increase the activity of persons who are less competitive on the labour market. In the framework of this project, in eight counties activation centres will be set up in regions with higher unemployment. The duty of an activation centre is to increase the activity of persons who are less competitive on the labour market.

109. The activation centres:

(a) Help persons who cannot find employment without external support;

(b) Create and restore the working habits of persons who have been without employment for a longer period;

(c) Activate employable persons who apply for a subsistence benefit and at the same time are not interested in finding employment;

(d) Increase employment by helping local employers to create new jobs.

110. This programme is a part of the National Development Plan that is prepared in the framework of the Phare Special Preparatory Programme for Structural Funds (SPP), a programme that was initiated in 1998 for EU candidate countries. The draft of the National Development Plan was prepared in 1999 and is financed from the State budget and SPP funds.

111. In 1999, a national programme aimed at increasing employment, avoiding long-term unemployment and preventing exclusion of persons at risk from the labour market was prepared. The main objective of the programme has been to prepare a National Employment Action Plan and related subprogrammes. The National Employment Action Plan is based on four principles that the EU member States have adopted:

(a) Increase employment;

(b) Develop business approach;

(c) Support adaptation to changes in enterprises and workers;

(d) Strengthen equal opportunity policies.

112. Labour market policy is being developed taking into account the different situations of women and men in the labour market. A project to increase and improve workplaces for Estonian women has been launched in the framework of the ILO international programme "More and Better Jobs for Women".

113. In 1999, the EU Phare Consensus Project "Prevention of Social Exclusion of Disabled Persons" was carried out. It was aimed at promoting employment among persons with disabilities.

114. Preparations to set up a national qualification system have begun. They include drafting internationally recognized vocational standards and the procedure for evaluation, certification and issuance of vocational certificates. This system is expected to satisfy the employers' requirements on the quality of labour and motivate workers to develop their skills to compete on the labour market.

Vocational training

115. Please see also paragraphs 749-753 under article 13.

116. The Child Protection Act, the Adult Training Act, the Vocational Education Institutions Act and the Applied Higher Education Institution Act regulate vocational training opportunities. According to the Income Tax Act training costs may be deducted from income.

117. Students have the right to continue studies that were commenced in one school in the same vocation, profession or occupation in a second school if vacant places exist. Vocational education institutions provide both vocational secondary education and vocational higher education. Vocational higher education may also be obtained in an applied higher education institution.

118. In organizing the practical training of students, the relations between a school and a State agency or a local government agency, a legal person in public law, or a legal person in private law, or a sole proprietor are regulated by a contract entered into by them. Positions created for conducting practical training, including positions in the school workshop and the school farm, shall show compliance with the requirements established by the curriculum. Legislation related to occupational health and safety applies to students during practical training.

119. Professional councils consisting of the representatives of the Government of the Republic and of associations of employers and unions of employees are formed in order to agree on the needs of the society and the labour market. The duties of the professional councils include approval of vocational standards and curricula based on vocational standards. Members of a professional council mainly include representatives of associations of employers and unions of employees.

120. In the 1997/98 academic year, there were 90 institutions providing vocational education. They had 31,316 students of whom 18,563 were obtaining secondary vocational education; 12,753 students were in secondary vocational or technical education. In 74 educational institutions there were 28,774 students, 357 students, in 4 municipal educational institutions and 2,185 students in 12 private schools.*

Adult training

121. Pursuant to the Adult Training Act, adults have an opportunity for lifelong learning. Adult training institutions are institutions and organizations that provide adult training. By law, local governments are obliged to support participation of disabled persons and socially vulnerable students in training courses (arts. 1, 2, 7).

122. According to the Vocational Education Institutions Act, the schools may provide continuing vocational training for a fee (art. 23). Continuing vocational training is provided by courses. The courses for obtaining a new vocation, occupation or profession may be organized as primary training or retraining and supplementary training.

123. Pursuant to the Applied Higher Education Institution Act, the provision for supplementary training is one of the main duties of applied higher schools (art. 2). The Act defines supplementary training as supplementing vocational, occupational and professional knowledge and skills in the obtained vocation, occupation or profession.

124. According to article 11 of the Applied Higher School Act, all persons with secondary education have an equal right to compete for enrolment in an applied higher school. This provides adults with an opportunity to learn a vocation, occupation or profession of their choice, provided they have the necessary means.

125. The Adult Training Survey, conducted in October-December 1997, showed that since the beginning of 1996, approximately 18 per cent of the interviewed had undergone professional training. The number was particularly high amongst women (20 per cent, against 16 per cent of men). Persons up to 40 years of age were more likely to participate in professional training. More than one third of the persons with higher education and nearly one fourth of the persons with secondary education have undergone professional training.

126. The Labour Force Survey indicated that during four weeks of the survey in the second quarter of 1998, approximately 3 per cent of persons in the age group 15-74 took part in professional training.

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* Vocational Schools 1998. Assistance to decision makers. Joint publication of the Ministry of Education and the Vocational Education and Employment Monitoring Centre.

Table 5. Participation in courses during the last four weeks by sex, economic status and type of a course, second quarter 1998

	Males	%	Females	%	Total	%
	Thousands		Thousands		Thousands	
Population aged 15-74						
Did not participate in courses	498.7	96.8	557.5	94.9	1 056.2	95.8
Training courses at work	13.1	2.5	16.8	2.9	29.9	2.7
Conference, seminar at work	...	...	(2.2)	(0.4)	(3.0)	(0.3)
Unemployment training	...	...	(2.0)	(0.3)	(2.5)	(0.2)
Hobby courses	(1.9)	(0.4)	8.7	1.5	10.6	1.0
Other courses	...	...	...	...	...	...
Total participation in courses	16.7	3.2	29.8	5.1	46.6	4.2
Total	515.4	100.0	587.4	100.0	1 102.8	100.0
Employed persons						
Did not participate in courses	318.7	95.7	286.4	92.4	605.1	94.1
Training courses, conference, seminar at work	13.1	3.9	18.0	5.8	31.0	4.8
Other courses	...	...	5.6	1.8	6.8	1.1
Total participation in courses	14.3	4.3	23.6	7.6	37.9	5.9
Total	333.0	100.0	310.0	100.0	643.0	100.0
Unemployed persons						
Did not participate in courses	38.0	97.8	27.3	93.8	65.3	96.1
Participated in courses	...	...	(1.8)	(6.2)	(2.6)	(3.9)
Total	38.8	100.0	29.2	100.0	68.0	100.0

Source: Statistical Office.

127. State employment offices organize labour market training for persons registered as unemployed and for disability pensioners who only have a partial capacity to work. Labour market training is divided into professional training and training on adaptation to the labour market requirements. In 1997, State employment offices procured training services from 180 providers (including 150 training firms, 22 State schools of which 15 were vocational education institutions, 4 private schools and 4 private entrepreneurs) on a total of 117 subjects. Of 9,083 unemployed who were referred to training, 8,895 graduated from a course. Of these, 6,246 (70 per cent) found employment after training.

Supplementary training and retraining of women

128. According to the Adult Training Survey, women made up more than 60 per cent of persons who had undergone various supplementary training and retraining courses in 1996-1997.

Table 6. Participation in adult training (%)

	Did not participate	Participated in 1996-1997	Participated in earlier years
Estonians			
Men	28	22	50
Women	32	30	38
Non-Estonians			
Men	33	10	57
Women	40	13	47

Source: Adult Training Survey 1997.

129. The higher participation of women in supplementary training and retraining is attributable to the average higher educational level of women and to the fact that the number of women in white-collar work is notably higher than the number of men.

130. There are significant gender-based differences in terms of specialists in adult training. Since the majority of teachers are women whose training costs are paid for from the State budget, women have been able to participate in training courses more frequently than men in the same group. At the same time, amongst civil servants, service and retail personnel, as well as workers, men have undergone more training than women.

Professional education of disabled persons

131. Opportunities for disabled persons to obtain education and undergo integrated training have improved in the educational system with the Education Act adopted in 1992: pursuant to article 4, everyone shall have an opportunity to constant training.

132. Pursuant to article 14 of the Vocational Education Institutions Act, opportunities for disabled persons to study in schools shall be ensured under the conditions and pursuant to the procedure established by a regulation of the Government of the Republic. In November 1998, the Government of the Republic issued Regulation No. 265 on the conditions and procedures for training disabled persons in vocational training institutions.

133. In 1997/98 there were study groups of disabled persons in 8 of 91 vocational education institutions. In 1998/99, there were 10 such special groups.

134. In addition to the vocational education institutions, disabled persons have been able to undergo vocational preparation in Astangu Rehabilitation Centre. This centre provides vocational training for persons with a permanent health disorder such as a learning difficulty, a minor mental disability, a physical disability or a chronic disease.

135. In the 1998/99 academic year there were 197 students in vocational education institutions who had special needs because of their disability. Of them, 166 had a mental disability. In addition, there were 104 students in the Astangu Rehabilitation Centre. The subjects that were

taught to disabled students included farm-keeping, household jobs, information technology, social work, childcare, cleaning work, repair painting, fishing, furniture restoration, sewing of light garments, baking, etc.*

136. State employment offices have been dealing with the training of disabled persons since 1996. In April 1999, 131 disabled persons had undergone vocational training. The most popular courses were in computing, accounting, massage, carpenter's and painter's work, tourism, banking, gardening, laundry work, etc.

Information on training opportunities

137. "Teeviit", a trade fair for young people providing information on educational and employment opportunities, is organized regularly at the initiative of the Ministry of Education. Every spring, vocational education institutions and higher schools organize traditional open-door days. Information on educational opportunities is also available from educational institutions and enrolment committees of universities.

138. The Ministry of Education has published a number of books on educational opportunities: Applied Higher Schools in Estonia 1993, Business Educational Institutions in Estonia 1993, Higher Education in Estonia 1995, and Art Schools in Estonia 1997.

139. Pursuant to the Social Protection of the Unemployed Act, the unemployed and jobseekers have the right to obtain information from State employment offices on possibilities of undergoing labour market training. State employment offices have countywide databases on training opportunities. By the end of 1999, a national information system of labour market training will be completed, providing information on training opportunities all over Estonia. Information on labour market training opportunities is also made available in booklets and through participation in trade fairs.

140. A database on vocational schools, curricula and training opportunities, vocational education statistics and basic labour market trends, KETE, was set up by the Vocational Education and Employment Monitoring Centre in cooperation with the Ministry of Education and the Ministry of Social Affairs. It was financed by the European Training Fund.

International cooperation

141. The Ministry of Social Affairs participates in the following cooperation projects:

(a) EU Phare:

- "Labour Market Information Network" (ES 9302-04 SA); cost: 1 million ecus; duration: 1995 ; activities: development of a labour market information system and procurement of PCs and software;

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* Questionnaire of Estonian Vocational Training Schools, 1998.

- "Technical assistance to support the National Labour Market Board in Estonia" (ES 9503.002 (LMB)); cost: 600,000 ecus; duration: 1996-1998; activities: further development of information systems; development of active labour market policies and services, job mediation and training systems, and labour market policy;

- "Support to the Ministry's Department of Labour and the National Labour Market Board in a pre-accession context" (98-5029.00); cost: 280,000 euros; duration: 1998-1999; activities: introduction of EU labour policy, analysis of Estonian active labour market activities in last five years; development of training policy and supporting public relation activities in labour issues;

(b) Denmark "Labour protection and information systems"; cost: DKr. 1,280,293; duration: 1994-1998;

(c) Germany:

- "Cooperation with Germany in 1996"; duration: 1996; activities: development of a vocational system for disabled people and provision of support for labour administration reform;

- "Cooperation with Germany in 1997"; cost: DM 3 million; duration: 1997; activities: counselling on setting up an insurance system for labour accidents and occupational diseases; support for a vocational training system and rehabilitation services for disabled people; and continuing education and retraining services for unemployed persons;

(d) ILO: "More and better jobs for women" (EST/98/MO1/FIN); cost: US$ 59,200; duration: 1999-2000; activities of the first phase: shaping a favourable environment for entrepreneurship and training of about 200 civil servants, representatives of local governments and women future entrepreneurs.

Article 7

Right to fair and favourable working conditions

142. The Republic of Estonia has ratified the following ILO Conventions:

- Weekly Rest (Industry) Convention, 1921 (No. 14) (in 1923);

- Underground Work (Women) Convention, 1935 (No. 45) (in 1935);

- Equal Remuneration Convention, 1951 (No. 100) (in 1996).

143. Reports on the fulfilment of Convention Nos. 14 and 100 have been submitted to ILO. Preparations are under way to ratify the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Health Services Convention, 1985 (No. 161).

144. Article 28 of the Constitution provides that everyone has the right to the protection of health. Working conditions shall be under State supervision (art. 29).

145. Supervision over the observance of legal requirements in employment relations and working conditions is carried out by the Labour Inspectorate. Supervision over the compliance of legislative and executive power and local government legislative acts with the Constitution and laws is carried out by the Legal Chancellor.

146. The Labour Protection Act lays down the legal basis for guaranteeing a safe working environment for everyone involved in employment relations. It also determines the organizational basis of labour protection depending on the social, economic and technical development of the society, for supervisory bodies and methods, as well as for investigating and keeping records of occupational accidents and work-related health hazards. Article 7 stipulates that in designing, building or renovating a working environment for women, juvenile workers and persons with a physical or mental disability, special requirements in the conditions of work and mobility of those persons must be taken into account. Those persons who perform hazardous or dangerous work, as well as workers who, because of their health condition, may endanger other people at work, must undergo a medical examination before taking up employment and regularly afterwards (art. 14 (2)). The list of jobs requiring prior and periodic health examinations was approved by Government of the Republic Regulation No. 214 of 22 July 1992.

147. In June 1999, the Labour Protection Act was replaced by the Occupational Health and Safety Act.

Minimum wage

148. According to the definition provided in the Wages Act, the minimum wage is the minimum amount of wage per specific unit of time (hour, day, week, month, etc.) established by the Government of the Republic which may be agreed upon for full-time employment.

149. According to article 9 of the Wages Act, an employer shall establish wage rates in an enterprise, agency or other organization according to the differences in work and working conditions, based on a collective agreement entered into between the employer and employees.

150. The wage rate of an employee shall be determined by agreement of the parties upon entering into an employment contract (art. 10). By law, an employment contract is made in writing and must set out the working time and wage rate. This means that the requirement to pay at least the minimum wage applies to the employers of all persons who are employed on the basis of an employment relation or a service relation, including public servants.

151. The minimum wage rate was established as a result of tripartite negotiations for the first time in 1992. Since then, it has been one of the key items in the agenda of the tripartite negotiations held between the Government and employers' and workers' organizations. Efforts have been made to take into account all criteria provided in Convention No. 131.

152. The data used in negotiations is obtained from various sources including:

(a) A household survey conducted to collect data on the needs of workers and their families, the cost of living, changes in the cost of living and the relative living standards of various social groups. The results of the survey on population income (including social benefits) and expenditure are broken down by types of households (based on the family size and structure), income deciles, urban and rural households, and by regions. The data are used to calculate the consumer price index and its dynamics;

(b) Data on the overall wage level is provided by quarterly wage surveys and annual surveys by professions, occupations and gender. The results of quarterly surveys are broken down into core activities, regions and forms of ownership;

(c) Data on GDP, number of employed, productivity levels, unemployment rate and labour costs incurred by employers. This data is available in various statistical reports.

153. At the time when Estonia introduced the kroon as its national currency (in 1992), the minimum wage rate was 200 EK a month and 1.15 EK an hour. At present the minimum wage rate is 1,250 EK a month and 7.35 EK an hour. It should be noted that in comparison with 1992 the average wage has increased approximately 6.6 times and the minimum wage rate by 6.2 times.

Table 7. Average wage, minimum wage and consumer price index in 1993-1994, 1998

Average monthly wage	
1993	1 066 EK
1994	1 734 EK (= 1.00)
1998 (estimated)	4 100 EK (= 2.36)
Minimum monthly wage rate	
1993	300 EK
1994	300 EK (= 1.00)
1998	1 100 EK (= 3.67)
Consumer Price Index	
Percentage of 1998 estimated average to 1993	2.88
Percentage of 1998 estimated average to 1994	1.95

Source: Ministry of Social Affairs.

154. Although the Estonian legislation and other regulations do not require regular adjustment of the minimum wage, collective agreements have been made in several branches of the economy under which the minimum wage in the given sector and the overall level of wages will rise when certain economic factors change.

155. There are significant differences in the level of wages by region, economic sector and form of ownership of employers. In the county with the highest wages, the average wage is 1.6 times higher than in the county with the lowest wages. Wages in the highest-paid sector are 3.6 times higher than in the lowest-paid sector. By form of ownership, the highest-paid are employees who work for foreign private undertakings, followed by public servants and employees working for Estonian private undertakings.

Equal pay for equal work

156. Pursuant to article 5 of the Wages Act, it is prohibited to increase or reduce wages on the grounds of an employee's sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces. It is also prohibited to reduce wages on the grounds of the marital status, family obligations, membership in citizens' associations or representation of the interests of employees or employers.

157. The resolution of disputes between the worker and the employer concerning pay is regulated by the Individual Labour Dispute Resolution Act. If the parties to the dispute fail to resolve the dispute, both parties have the right of recourse in a labour dispute committee or in a court. The procedure of resolving disputes in a labour dispute committee is less complicated than that of a court. A decision of a labour dispute committee which has entered into force is binding on the parties.

158. Job and work descriptions are being prepared to enable a comparison of work made by people in different occupations.

159. Regular statistical surveys on the hourly wages of male and female employees have been published every October since 1994. In 1994-1997, the hourly wage of female employees was 71-73 per cent of that of male employees.

160. The hourly wage of male and female employees in undertakings, institutions and organizations had increased by 79 per cent and 82 per cent respectively from 1994 to 1997. The biggest increase was recorded in the hourly wages of top specialists: 119 per cent in the case of men and 98 per cent in the case of women. The rise in hourly wages was the smallest in male technical personnel and middle-level specialists (58 per cent), female service personnel and retail sales persons in stores and agricultural produce markets (61 per cent).

Table 8. Average gross hourly wages of full-time and part-time employees by profession group (October 1994-1998)

Group	Men's hourly wage, EK		Women's hourly wage, EK		Change in average hourly wage, Oct. 1994 = 100%	
					Men	Women
	1994	1998	1994	1998	1998	1998
Legislators, top officials, top business management	20.43	42.8	15.46	31.4	209.5	203.1
Top specialists	15.15	35.5	12.18	28.5	234.3	234.0
Technical personnel and middle-level specialists	16.39	30.1	9.97	21.2	183.6	212.6
Civil servants	10.16	22.4	8.82	18.3	220.5	207.5
Service personnel, retail employees	9.81	18.4	6.29	11.8	187.6	187.6
Skilled workers in the agricultural, forest and fishing sector	8.39	13.0	5.53	11.8	155.0	213.4
Skilled and manual workers (except skilled workers in the agricultural, forest and fishing sector)	12.45	23.1	9.15	17.7	185.5	193.4
Operators of semiautomatic and automatic machinery, equipment and devices, drivers of vehicles	11.28	21.4	9.50	18.6	189.7	195.8
Manual workers	6.89	14.0	5.10	10.5	203.2	205.9
Total	12.61	25.9	8.97	19.2	205.4	214.0

Source: Statistical Office.

161. Within the main professions and vocations, the biggest difference in hourly wages was for service personnel and retail employees in 1997 when women's hourly wages were 63 per cent of men's. This group includes tour operators, accommodation and catering personnel, personal maintenance workers, personal service workers, astrologers, fortune tellers, defence service personnel (policemen, fire-fighters, etc.), mannequins, models, vendors, retail trade personnel. Women made up 76 per cent of the workforce of this group.

162. The hourly wages of men and women were almost equal among auxiliary personnel where women's hourly wage was 90 per cent of men's. This group includes secretaries, office equipment operators, accounting personnel, materials calculating personnel and transport officials, library, mail and communications personnel, cashiers, information service officials, administrators, registrars, etc. In this group, women made up 86 per cent of personnel.

163. Persons with disabilities have the right to receive equal pay for equal work and have the equal right to be promoted. No research has been conducted on the actual situation of payment of wages to the disabled.

164. For supporting the implementation of equal remuneration, an EU Phare Project, "Support to legislative harmonization and implementation of equal treatment and working conditions", was carried out.

Safe and healthy working conditions

165. The legal basis for guaranteeing a safe and healthy working environment for employed persons was provided in the Labour Protection Act, which was adopted in 1992. This act laid down the organizational bases for labour protection, supervisory bodies and supervision methods as well as the basis for investigating and recording labour accidents, occupational diseases and work-related health hazards.

166. The law provides that the working environment of women and minor workers and persons with physical or mental disabilities must be designed, constructed or reconstructed in a manner that takes into account their special working and mobility requirements (art. 7). Those who perform hazardous or dangerous duties, as well as workers whose health condition may endanger other workers, must undergo medical examinations before entering into employment and regularly during the employment relation (art. 14). The list of professions where prior and regular medical examination of workers is required is approved by the Government Regulation No. 214 of 22 July 1992.

167. Employers bear overall responsibility for occupational safety at workplaces. Practical work in labour protection matters is organized and implemented by a senior labour protection specialist, a labour protection specialist, a labour protection representative and a labour protection council. Pursuant to article 5 of the Labour Protection Act, employers are obliged to inform workers about possible hazards and hazardous impacts, to check the knowledge of workers about labour safety issues and to organize supplementary training. Workers are obliged to fulfil established labour protection requirements: use protective equipment to prevent occupational accidents, occupational diseases and health hazards; monitor the performance of work or its consequences to ensure that they do not endanger the safety and health of the worker and other workers as well as the environment. Prevention of occupational diseases and accidents is regulated by the procedures for investigation and registration that were approved by Government Regulation No. 171 of 7 June 1993.

168. The Labour Inspectorate carries out inspections of the observance of legal acts in the field of work and occupational safety in all undertakings, institutions and organizations and enforces the law as required (art. 21). Administratively, the Labour Inspectorate is divided into the central organization and local inspectorates that are located in all counties.

169. In June 1998 the Government approved the Estonian National Policy on the Working Environment, the objective of which is to create a general framework for the improvement of working conditions and the working environment. The National Policy on the Working Environment has been discussed and approved by the Working Environment Board that consists

of representatives of employers' and workers' organizations. The national policy is a guideline which expresses the aims and intentions of the Government. It describes how to develop occupational health and safety in Estonia. As such it reflects the socio-economic development and helps to create a competitive economic infrastructure in Estonia.

170. With a view to implementing the National Policy on the Working Environment, the Government approved the Occupational Health Policy 2000 in June 1998. The main objective of the policy is to minimize risks related to the working environment by implementing a system of occupational health services.

171. In 1999, the Occupational Health and Safety Act replaced the Labour Protection Act. The new Occupational Health and Safety Act provides the occupational health and safety requirements for the working environment, the duties of employers and workers in creating a working environment which is safe for health, the organization of occupational health and safety in enterprises and agencies and at the State level, the procedure for resolution of corresponding disputes, and liability for non-compliance with the occupational health and safety requirements. The law contains provisions on ensuring that workers have access to occupational health services. By law, employers will be required to conduct regular internal controls of the working environment to plan, organize and monitor the occupational health and safety situation in the enterprise; review the organization of internal control of the working environment annually and analyse its results and, if necessary, adjust measures to the changed situation; conduct a risk assessment of the working environment to ascertain the risk factors present in the working environment, measure their parameters and assess their effect on the health of workers; based on the risk assessment of the working environment, prepare a written action plan designating the measures to prevent or reduce health risks.

172. Employers shall also create suitable working and rest conditions for pregnant women, women who are breastfeeding, minors and disabled workers. Upon assigning work to pregnant women, women who are breastfeeding, or minors, employers shall observe the restrictions provided by legislation to ensure their safety. Employers are required to enable, pursuant to the procedure provided by acts regulating employment and service relationships, a worker who has become disabled in the employer's enterprise as a result of an occupational accident or occupational disease to continue work suitable for him or her in the enterprise. The work and workplace of a disabled worker shall be adapted to meet his or her physical and mental abilities.

173. The Occupational Health and Safety Act regulates occupational health and safety requirements in practically all areas of activity, including self-employment and farming, except defence, the police and border guard service and the rescue services if it is provided by separate legal acts.

Table 9. Registered occupational injuries[a] in Estonia 1994-1998

Type of accident	1994	1995	1996	1997	1998
Number of fatal work accidents	56	61	46	50	60
Per 100 000 employed persons[b]	8	9	7	8	9
Number of labour accidents resulting in severe injury	188	290	338	428	500
Per 100 000 employed persons[b]	27	45	52	66	79
Total number of work accidents	1 738	2 296	2 251	2 368	2 664
Per 100 000 employed persons[b]	251	350	349	368	419

Source: Labour Inspectorate.

[a] An occupational injury is an accident as result of which the worker loses his capacity to work for at least one working day (Government of the Republic Regulations No. 171 of 7 June 1993).

[b] 15-69 years old.

174. The prevailing causes of occupational injuries are non-conformity of machinery, equipment and tools with safety standards, poor organization of work and insufficient training of workers in occupational and labour safety.

Table 10. Occupational diseases registered in Estonia 1994-1998

Cause	1994	1995	1996	1997	1998
Physical and physiological factors	82	83	120	159	222
Chemical factors	33	42	26	22	28
Biological factors	11	20	13	17	19
Total number of occupational diseases	126	145	159	198	269
Number of occupational diseases per 100 000 workers	22	22.1	24.6	31	42

Source: Occupational Diseases Clinic.

175. The increase in the number of registered occupational diseases is attributable to the improved performance of occupational physicians and other health-care specialists in linking causes of diseases with working conditions and in diagnosing occupational accidents. No occupational safety and health surveys have been made to enable a separate comparison of the situation of women.

Promotion

176. Preparations to develop a qualification system for employees began in 1998 with the goal of creating preconditions for fostering Estonia's economic competitive ability by implementing systems to provide ongoing training and evaluate employees' skills and knowledge. Such a qualification system will help employees plan their careers, have access to promotion, simplify career development and increase competitivity on the labour market.

Working time, rest time and leave

177. The working and rest time of employees is regulated by the Working and Rest Time Act. By the said Act, the general national standard for the working time of employees shall not exceed 8 hours per day and 40 hours per week (art. 9). According to article 10, reduced working time shall not exceed:

- 20 hours per week for employees who are 13-14 years of age;
- 25 hours per week for employees who are 15-16 years of age;
- 30 hours per week for employees who are 17 years of age.

178. Article 28 of the Working and Rest Time Act provides that employees shall have at least two days off per week. Standard days off are Saturday and Sunday. In enterprises, agencies and other organizations where, due to the nature of the work, work is done on Saturday and Sunday, days off shall be prescribed by internal work procedure rules or shift schedules. In such cases, days off shall be given on consecutive weekdays. Upon the recording of total working time, the duration of weekly uninterrupted rest time shall be at least 36 hours.

179. Exceptions to this rule may be made in enterprises with uninterrupted production processes and other organizations with the consent of the labour inspector of their location.

180. By article 32 of the Working and Rest Time Act, public holidays are included in the rest time of employees (the list of public holidays is provided in a separate legal act). The duration of working time is reduced by three hours on the working day preceding New Year's Day and Christmas Day. Employers may require employees to work on public holidays if this results from the need to provide services to the public, the nature of the work (uninterruptible production process) or from urgent production requirements due to circumstances specified in the Employment Contracts Act.

181. Pursuant to article 16 of the Wages Act, work performed on a public holiday shall be remunerated at least at a double rate regardless of whether such work is scheduled or unscheduled.

182. Annual holidays are granted pursuant to the Republic of Estonia Holidays Act by which the duration of a base holiday is 28 calendar days. An extended base holiday is granted to:

- minors, 35 calendar days;
- disabled persons, 35 calendar days;
- State officials and local government officials, 35 calendar days;
- heads, researchers, academic staff, teachers, educators and other pedagogical specialists of universities, institutions of applied higher education, research institutions, schools and other child educational institutions, up to 56 calendar days.

183. The list of positions where extended holidays are granted for up to 56 calendar days and the duration of holidays for particular positions are established by the Government of the Republic (art. 9).

184. Employees have the right to an additional holiday if they are engaged in:

- underground work;
- work which poses a health hazard or work of a special nature.

185. The Government has established the indicators and a list of underground work, work which poses a health hazard and work of a special nature where an additional holiday is granted, and the duration of the additional holiday.

186. Supplementary bases for granting an additional holiday may be prescribed by a collective agreement or employment contract (art. 10).

International cooperation

187. The following cooperation projects involve the Ministry of Social Affairs:

(a) EU Phare:

- "Phare support to legislation for implementing equal treatment and working conditions" (98-5089.00); cost: 250,000 euros; duration: 1998-1999;
- "Phare support to legislation on occupational safety and health" (98-5090.00); cost: 250,000 euros; duration: 1998-1999;
- "Phare support to implementation of enhanced standards of occupational safety and health in a pre-accession context" (98-5049.00); cost: 170,000 euros; duration: 1998-1999;
- "Phare support to institutional development of the National Labour Inspectorate in a pre-accession context" (98-5050.00); cost: 300,000 euros; duration: 1998-1999;

(b) Finland: "Workplace Estonia"; cost: Fmk 618,020; duration: 1996-1997;

(c) Sweden:

- "Risk assessment for labour inspectors"; cost: Skr 177,500; duration: 1997-1998;
- "Developing and implementing a system for analysis, planning, reporting and follow-up of supervision activities performed by the National Labour Inspectorate"; cost: Skr 669,840; duration 1998-1999.

Article 8

Right to organize in trade unions

188. Since 1993, the Republic of Estonia has ratified the following ILO Conventions:

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98);
- Workers' Representatives Convention, 1971 (No. 135);
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

189. The Republic of Estonia has submitted its reports on the fulfilment of the above ILO Conventions.

190. In 1993, Estonia signed the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, article 11 of which provides for the freedom of setting up trade unions and their joining to protect one's rights.

191. In May 1998, Estonia signed the Amended and Revised European Social Charter, article 5 of which provides for the right to organize. The ratification process of the Social Charter is expected to be completed in 2000.

192. Article 29 of the Constitution states that an Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. Associations and unions of employees and employers may uphold their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike and the procedure for the settlement of labour disputes are also provided in the Constitution.

193. Everyone has the right to form non-profit undertakings and unions. Only a court may terminate or suspend the activities of, or fine, an organization or union for a violation of the law (article 48 of the Constitution).

194. Activities of trade unions in Estonia are regulated by the Trade Union Act that was adopted in 1989 (amended in 1992). This act is valid to the extent that it is not in conflict with the legislation of the Republic of Estonia adopted at a later date. According to article 2, trade unions can be set up by all persons who are employed or who are training for a profession. This right can be restricted only by limits provided by law. The Trade Union Act will be revised in 2000.

195. Estonia has very liberal principles for setting up trade unions and the required number of members is very low - only two people. There are no restrictions on setting up trade unions in any economic sector, field of activity or area. Only trade unions set up in the defence forces and

the police are prohibited from taking industrial action (strikes). There are no restrictions on the membership and formation of trade unions on grounds of race, nationality, citizenship or language.

196. Membership in a trade union is voluntary and must be in compliance with the by-laws of the trade union. Pensioners retain the right to belong to a trade union (art. 2).

197. According to the law and to trade union by-laws, persons with disabilities have equal rights and opportunities with other people to belong to a trade union. Some trade union federations have set up separate pensioners' councils or committees which also provide protection to the elderly. At the same time, trade unions have not paid sufficient attention to the issue of special protection of the rights of disabled persons. In most cases it has been limited to various provisions on the protection of persons with disabilities that are included in collective agreements made at the company level.

198. In enterprises, agencies or organizations as well as in their structural units located in other places, trade unions are formed on the basis of similarities in the vocation, occupation, work or production of their members. Such trade unions can set up federations. Trade unions can join regional or national federations or temporary associations (art. 3).

199. At present there are two trade union confederations (central unions) in Estonia: the Estonian Central Union of Trade Unions (EAKL), with 26 member unions, and TALO, with 10 member unions. EAKL has approximately 65,000 members and TALO has around 50,000 members.

200. Trade unions are independent and governed only by law. Any activity which directly or indirectly is aimed at subjugating trade unions to any body or organization is prohibited (art. 4).

201. On the basis of article 5, "Activities of trade unions outside the Republic", of the Trade Union Act, both EAKL and TALO, as well as their member organizations, have set up extensive international relations with trade union organizations in Europe and in other countries. EAKL became a member of the International Confederation of Free Trade Unions (ICFTU) in December 1994 and an observing member of the European Trade Union Confederation - Youth (ETUC) in May 1998. In May 1999 EAKL is expected to become a full member of ETUC and TALO an observing member of ETUC. Around 20 member unions of EAKL and TALO are members of vocational secretariats of ICFTU and branch committees (federations) of ETUC. In practice, the State has not interfered in the setting up of national trade unions nor in their membership in international trade union federations.

Right to collective bargaining

202. The right to collective bargaining is protected by the Collective Agreement Act, article 3 of which states that one party to a collective agreement may be a union, a federation, a central federation of employees or an authorized representative of a trade union as well as a local branch of an employees' union. Pursuant to the Workers' Representative Act, there are no restrictions on members of an employees' union electing union representatives.

Right to strike

203. The Collective Labour Dispute Resolution Act regulates the conditions and procedures for exercising the right to strike. By law, a strike is an interruption of work on the initiative of employees or a union or federation of employees in order to achieve concessions from an employer or an association or federation of employers in respect of lawful demands in labour matters. The right of employees or unions or federations of employees to organize a strike and the right of employers or associations or federations or employers to lock out employees to resolve a labour dispute arises only if there is no prohibition against disruption of the work concerned, if the conciliation procedures prescribed in the law have not been successfully concluded, if an agreement is not complied with, or if a court order is not executed. In the case of a strike, the parties are required to resume negotiations in order to reach an agreement (art. 13).

204. A decision to organize a strike is made by a general meeting of employees or a union or federation of employees. The law establishes no additional conditions on the proportion of employees voting in favour of the strike. Participation in a strike is voluntary. It is prohibited for employees who do not participate in a strike to impede the performance of work.

205. Pursuant to article 21, strikes are prohibited:

- in government agencies and other State bodies and local governments
- in the armed forces, other national defence organizations, courts, and firefighting and rescue services.

These agencies and other organizations shall resolve collective labour disputes by negotiations, through the mediation of a conciliator or in court.

206. In enterprises and agencies which satisfy the primary needs of the population and the economy, the body which calls a strike or locks out employees shall ensure indispensable services or production. A list of enterprises and agencies which satisfy the primary needs of the population and the economy shall be established by the Government of the Republic (art. 21).

207. Strikes for the purpose of affecting the activities of courts are unlawful, as are strikes which are not preceded by negotiations and conciliation proceedings (art. 22). A decision to declare a strike unlawful is made by a court (art. 23).

208. Military personnel, policemen or employees of the State administration are prohibited to take part in strikes, picket lines or other industrial actions.

Article 9

209. Estonia has not ratified ILO Conventions Nos. 102, 121, 128, 130 and 168.

210. The Estonian social insurance system consists of five insurance schemes:

- pension insurance providing public pensions, old-age pensions, disability pensions and survivor's pensions;
- health insurance that covers medical costs, sickness cash benefits and maternity benefits;
- family benefits;
- unemployment benefits;
- funeral allowance.

State pension insurance

211. General pension insurance is regulated by the State Allowances Act, the Old-Age Pensions at Favourable Conditions Act and the Superannuated Pensions Act. The State Pension Insurance Act which was adopted in 1998, will enter into force on 1 April 2000 (with some provisions coming into force on 1 January 1999). This act will replace the State Allowances Act and contains some principle changes in comparison with earlier law.

212. The State Allowances Act provides for four types of pensions:

- public pension;
- old-age pension;
- disability pension;
- survivor's pension.

213. Pensions are calculated as a percentage of the public pension rate. This rate is approved by the Parliament separately for each budget year. The public pension rate is a fixed amount that is not linked to the subsistence level or other similar condition.

214. The public pension is paid to persons who have no right to receive old-age, disability or survivor's pension because of lack of sufficient length of pensionable service or pension insurance period, i.e.

- citizens of Estonia who have reached the retirement age but who have not completed the necessary pensionable service;
- women of 60 years of age and men of 65 who are not entitled to another type of pension and who have lived in Estonia permanently or with a residence permit with a validity of a fixed term of at least five years before applying for a pension.

215. No public pension is paid to persons who are employed. In granting a public pension it is assumed that the person concerned does not receive a pension from another country.

216. Old-age pension is granted for life. The right to old-age pension is granted to women who have attained 60 years of age and men who have attained 65 years of age. A working old-age pensioner has the right to receive full pension. In addition, persons who have completed at least 15 years of pensionable service in Estonia also have the right to full pension.

217. The following persons have the right to an old-age pension at favourable conditions:

- a woman who has reared a disabled child, a person disabled from childhood or five or more children can retire five years before the normal pension age if she has completed at least 10 years of pensionable service;
- a man who has reared a disabled child, a person disabled from childhood or five or more children can retire five years before the normal pension age if he has completed at least 10 years of pensionable service and his wife has relinquished her right to the benefit of the husband or receives a State pension on other grounds or is dead;
- persons suffering from pituitary dwarfism - men who have attained 40 years of age or women who have attained 45 years of age and who have completed at least 10 years of pensionable service;
- persons who participated in the clean-up of the accident at the Chernobyl nuclear power station, five years before attaining the retirement age;
- rehabilitated persons who have been unlawfully held in a custodial institution or in exile. The retirement age shall be reduced by one year for each full year they have been held in a custodial institution or in exile, but by not more than five years in total.

In the three last cases, the 10 years of pensionable service required to obtain an old-age pension at favourable conditions must be acquired in Estonia.

218. Persons who are declared disabled have the right to disability pension. Disability, the time of its occurrence and its causes are determined by the medical disability committee, which also assigns a disability group. Children younger than 16 years of age are declared disabled children by the medical establishment. A working disability pensioner has the right to receive full disability pension. Temporary residents may receive an invalidity pension during the validity of their residence permits if they became disabled in Estonia.

219. A survivor's pension is granted upon the death of a provider or if the provider is declared missing pursuant to established procedure. Survivor's pension is paid to family members who were maintained by him or her. Children, parents and the widow or widower of the provider shall be granted a pension regardless of whether they were maintained by the provider or not.

No survivor's pension is paid in case of employment. A survivor's pension shall be granted for the period during which a person meets the requirements prescribed for receiving a pension. An orphan has the right to a survivor's pension regardless of whether his or her parents had fulfilled the requirements.

220. Family members who have the right to receive a survivor's pension are:

- a child, brother, sister or grandchild who is under 18 years of age (or who is under 24 years of age and is a student enrolled in daytime study at an upper secondary school or vocational education institution, or a student enrolled in full-time study at a university or institution of applied higher education), or who is older if he or she was declared permanently incapacitated for work before he or she attained 18 years of age (or, in the case of a student enrolled in daytime or full-time study, before he or she attained 24 years of age). A brother, sister or grandchild has the right to receive a pension if he or she does not have parents with capacity for work;

- a parent who is of retirement age or permanently incapacitated for work, or a widow or widower who is of retirement age or permanently incapacitated for work and whose marriage to the provider had a duration of at least five years;

- a divorced spouse if he or she attained retirement age or was declared permanently incapacitated for work before the divorce, or within three years after the divorce if the marriage had a duration of at least 25 years;

- one parent, or the widow, widower or guardian who is not employed and is raising in his or her family a child, brother, sister or grandchild of the provider who is under 14 years of age;

- stepchildren and foster-children who are not maintained by their parents, and step-parents and foster parents.

221. An alien residing in Estonia on the basis of a temporary residence permit shall be granted a survivor's pension during the term of the temporary residence permit if the right to receive the pension arises in Estonia.

222. Special (more favourable) conditions of access to old-age pensions are provided for some categories of persons who have worked in hazardous or hard working conditions. The special conditions are regulated by the Old Age Pensions on Favourable Conditions Act and the Superannuated Pensions Act.

223. Special provisions concerning old-age, disability and survivor's pension apply to the President, the members of Parliament, judges and officials of the State Audit. The Public Service Act provides an additional pension to public servants the amount of which depends on the length of service. The pensions of these special groups are financed by the State budget.

224. Public pensions, old-age pensions, disability pensions, survivor's pensions, superannuated pensions and old-age pensions at favourable conditions are paid out by pension offices that are regional agencies of the National Social Insurance Board, an agency operating under the Ministry of Social Affairs.

225. Pensions are paid to persons for whom pension contributions are made in Estonia. Estonia has signed bilateral social security agreements with Finland, Latvia, Lithuania and Ukraine.

226. The general State pension insurance is based on the pay-as-you-go principle. Pensions are funded from the pension fund of the social insurance budget that is mainly financed from the pension insurance component of social tax equal to 20 per cent of gross payments to workers and is payable by employers.

227. According to the Social Tax Act, an insurable person is

- a natural person engaged in an enterprise;
- a person working under an employment contract or contract of service or who is a member of Parliament, the President of the Republic, a public servant, or is employed in the defence forces;
- a person who receives remuneration as a member of a management board, supervisory board or other directing body of a legal person;
- a natural person employed under a contract for services;
- a person for whom social tax is paid by the State.

Gender equality in pension insurance

228. Pensions payable under the Estonian State pension system are old-age pensions, disability pensions, survivor's pensions and public pensions.

229. As of 1 January 1999 there were 371,583 pensioners of whom 250,831 were women (67.6 per cent). This is at least partly attributable to the different retirement age for men and women (the retirement age of women is still five years lower than that of men). The second reason is that the life expectancy of women is higher than that of men. Among recipients of old-age pension, women outnumber men by 2.5 to 1.

230. The current pension system provides certain provisions which men use more frequently than women.

231. Pursuant to the Superannuated Pensions Act, persons who are engaged in a certain profession have the right to retire before the general retirement age. The list of these professions contains more traditionally male professions (defence forces, police, firefighting, shipping,

aviation, mining, etc.) and less traditionally female professions (textile workers, nursing home personnel, etc.). Statistical data support empirical considerations: as of 1 January 1999 superannuated pension was paid to 2,287 men and 1,025 women.

232. Although, pursuant to the Old-Age Pensions at Favourable Conditions Act, which provides special pensions to those persons who have been engaged in hazardous professions, men's period of pensionable service is longer than that of women, there are proportionally more men among recipients of this special pension. According to List No. 1 of Professions, the required length of pensionable service for men is 20 years, of which 10 years must be in a hazardous profession; for women, it is 15 and 7.5 years, respectively. According to List No. 2, the respective periods for men is 25 years of pensionable service of which 12.5 years in a hazardous profession, and for women 20 and 10 years.

233. Other evidence that men benefit from the special provisions of the pension system more often than women is the fact that approximately 25 per cent of men retire before they attain old-age retirement age (i.e., they are granted either a superannuated pension or an old-age pension at favourable conditions), as opposed to 13 per cent for women.

234. On the other hand, the pension system provides certain benefits that women tend to use more often than men. Although both mothers and fathers are eligible to include two years in their period of pensionable service for each child they have raised for at least eight years, this provision is traditionally used only by mothers.

235. Current legislation also provides certain advantages for women who stayed at home. Pursuant to the State Allowances Act:

- a woman has a pre-emptive right to get an old-age pension on favourable conditions if she has raised a disabled child, a child disabled from birth, or if she has raised five or more children for at least eight years. A man would receive a similar pension if his wife has waived her right to the benefit of her husband or receives a State pension on other grounds or is dead (art. 6);

- a woman who has attained 60 years of age and has no right to another State pension is eligible to get a public pension. Men obtain a similar right at the age of 65 years (art. 21);

- among recipients of the national pension there are eight times more women than men. This is partially attributable to the fact that women more often than men lack the required length of pensionable service of 15 years. Another reason is that men have shorter life expectancy.

236. In the pension system regulated by the State Allowances Act there is only a minor difference between the pensions of men and women. At the beginning of 1997, men's average pension was 1,061 EK and women's average pension was 1,026 EK.

237. In the case of an average length of service of approximately 40 years, the income level of persons whose net income is below 1,500 EK will not fall notably during the transition from work to retirement. In the case of minimum wage earners, the income level will increase.

238. It seems that women, when they retire, maintain their economic status more often than men do. It may also be said that, in general, the relative situation of women when they retire improves.

239. The current equalizing pension system is a form of compensation for earlier differences in wage between men and women.

Pension reform

240. The reform aims at securing old-age protection by a gradual increase of the replacement rate of the average pension, while securing the long-term sustainability of the pension system. In 1997 the Government approved the General Principles of the Pension Reform. The new pension system will be based on three pillars.

241. The first pillar is the reformed pay-as-you-go public pension system. This pillar is financed from the social tax and its main objective is to ensure a basic income to all pensioners. The State pension system re-distributes income both among generations (solidarity principle) and within the system.

242. The second pillar is a pension that is financed by contributions made by employees to their personal pension accounts. The objective of this pillar is to create additional savings for the retirement. The administration will be divided between the State and private insurance providers.

243. The third pillar is the private pension scheme that is accumulated from insurance contributions and based on the endowment principle. The third pillar is financed from voluntary contributions (with a limited tax benefit) and its main objective is to promote additional saving.

244. Employers make contributions to the first pillars in the form of social tax. Employees make compulsory contributions to the second pillar and may voluntarily participate in the third pillar.

245. The voluntary private pension system (third pillar) was launched on 1 January 1998. It was the beginning of the State pension system reform that included a transition to a personalized calculation of social tax, changed financing of additional pension, and a reform of the favourable conditions and the superannuated years' pension.

246. According to the Republic of Estonia Social Tax Act that was in force until 31 December 1998, the social tax system was administered by the National Social Insurance Board. By the new Social Tax Act which entered into force on 1 January 1999, social tax became a unified tax that is collected by the Tax Board. Upon receipt, the social tax is transferred to the State pension insurance budget and state health insurance budget. The

proportion of social tax transferred into the State pension insurance budget is 20 per cent. In order to improve tax collection, the amount of tax paid by the insured will be entered in a register. The new act also establishes the cases when the social tax is paid by the State.

247. The State Pension Insurance Act will enter into force on 1 April 2000. The key principles of the new act are as follows:

- gradual equalization of the retirement age of men and women at 63 years of age by 2016;
- an option to retain full pension up to three years before the legal retirement age whereas at present the amount of pension is reduced by 0.4 per cent for each month before the legal retirement age;
- transition of the calculation of old-age pension, incapacity of work pension and survivor's pension to a uniform basis;
- basing the pension calculation formula on three components (base component, retirement age component and insurance component);
- calculation of the length of pensionable service on the basis of calculated or paid social tax;
- establishment of the eligibility requirement and the retirement age requirement for incapacity of work pensions and survivor's pensions;
- setting up a pension insurance register.

248. The second pillar of the pension reform will be implemented in 2002, when employers will have the obligation to pay an insurance contribution.

Private pension

249. The legal framework for implementing the third pillar - voluntary pension insurance - was adopted in 1998. The Pension Funds Act entered into force on 1 August 1998 and its implementing provisions amended the Insurance Act and the Income Tax Act.

250. Seven out of eight companies providing life insurance also sell pension insurance. From August 1998 to the end of 1998 pension insurance premiums increased 357.8 per cent (from 477,000 EK to 2,184,000 EK). Supervision over insurance companies is carried out by the Estonian Insurance Supervisory Authority under the Ministry of Finance.

Statistics on State pensions

251. The number of recipients of old-age pensions started to decrease in 1994, mainly due to the increase in the age of eligibility for pension.

Table 11. Percentage of pensioners in the population

Year	Population (th.)	Total no. of pensioners (th.)	Percentage of pensioners in the population (%)	Old-age pensioners (th.)	Percentage of old-age pensioners in the population (%)
1997	1 462.1	370.5	25.3	291.1	21.1
1998	1 453.8	366.9	25.2	286.2	19.7
1999	1 445.6	371.6	25.7	288.6	20.0

Source: Social Insurance Board, 1999.

Table 12. Recipients of State pension at the beginning of year

	1980	1985	1990	1995	1996	1997	1998	1999
Recipients of pension	304 241	331 106	360 511	376 236	374 308	370 531	366 876	371 583
men	73 018	92 714	114 047	119 795	121 023	120 100	119 058	120 752
women	231 223	238 392	246 464	256 441	253 285	250 431	247 818	250 831
Old-age pensioners	230 938	260 498	287 465	302 099	297 043	291 133	286 198	288 645
Beneficiaries of pensions at favourable conditions	21 109	29 404	38 883	43 256	43 127	44 000	44 063	44 828
Beneficiaries with partial pensionable record	21 556	17 468	11 533	-	-	-	-	-
Beneficiaries of superannuated pension	761	845	1 671	4 168	3 812	3 783	3 567	3 312
Beneficiaries of disability pension	43 154	41 035	38 946	52 339	55 250	57 636	59 938	62 522
Pensioners on general terms	40 797	38 728	36 175	48 654	51 153	53 353	55 461	57 918
Group I	3 647	3 679	3 735	6 860	7 024	7 121	7 163	7 291
Group II	26 290	24 832	24 018	33 402	34 933	36 592	37 725	39 229
Group III	10 860	10 217	8 422	8 392	9 196	9 640	10 573	11 398
Disabled children	641	940	1 737	3 685	4 097	4 283	4 477	4 604
Beneficiaries of survivor's pension (families)	20 356	21 143	17 248	15 810	16 104	15 852	15 267	15 338
one person incapacitated for work	...	17 711	14 258	11 735	11 505	10 842	10 115	10 047
two persons incapacitated for work	...	2 807	2 464	3 008	3 230	3 608	3 662	3 674
three or more persons incapacitated for work	...	625	526	1 067	1 369	1 402	1 490	1 617
Family members who are incapacitated for work who have been granted pension	...	25 361	20 841	21 283	22 529	22 765	22 476	22 887
Beneficiaries of public pension *	-	-	-	1 787	2 093	2 126	1 906	1 766
Beneficiaries of monthly allowance	6 181	4 336	11 156	33	6	1	-	-
Personal pensioners	2 851	3 249	4 025	-	-	-	-	-

Source: Statistical Office.

* Public pension is paid to residents of Estonia who have not completed a sufficient number of years of pensionable service (15 years). Until a national pension was established, these people received a lump-sum monthly allowance.

252. The Statistical Office calculated the minimum amount required monthly for the subsistence of one person was 1,200 EK in the first quarter of 1999 and the average pension was 1,453 EK. Thus, the average pension exceeds the calculated average subsistence minimum.

Table 13. State pensions. Average amount of monthly pension (EK)

	1994	1995	1996	1997	1998	1999
TOTAL	359	586	879	1 037	1 096	1 453
men	367	605	892	1 061	1 119	1 478
women	354	577	873	1 026	1 085	1 441
Percentage of average pension to previous year, %	144	163	150	118	106	132
Old-age pensioners	373	612	930	1 100	1 160	1 540
Beneficiaries of superannuated pensions	331	453	674	782	824	1 068
Disability pensioners	306	482	689	809	863	1 143
Group I disability	404	612	857	980	1 041	1 383
Group II disability	322	513	740	867	927	1 230
Group III disability						
Disabled children	262	385	482	585	631	837
Beneficiaries of survivor's pension (families)	271	501	685	850	937	1 250
Beneficiaries of public pension	255	360	451	554	595	800

Source: Statistical Office.

Health insurance

253. The objective of the Estonian health insurance system is to preserve the health of the residents of the Republic of Estonia and to compensate for the cost of sickness as provided by law.

254. Health insurance is regulated by the Act on Health Insurance (of 12 June 1991, with later amendments).

255. The scheme of health insurance includes three main types of benefits:

- covering the costs of medical treatment;
- payment of cash benefits in the cases of sickness, maternity and nursing of a sick dependant;
- compensation of the cost of pharmaceuticals for some categories of insured persons.

256. According to the law, insured are persons who have paid social tax either themselves (as self-employed persons) or for whom the social tax has been paid into the State health insurance budget according to the Social Tax Act. No qualification period (i.e. minimum period of insurance) is applied. Besides the category of insured persons, the following groups are covered by the health insurance on the principle of solidarity:

- dependent family members of the insured persons;
- children up to 18 years old;
- students in full-time schooling;
- parents, guardians and tutors taking care of a disabled child under 18 or a person disabled from childhood;
- a person taking care of a person with group I disability;
- pregnant women starting from the twelfth week of pregnancy;
- persons receiving a pension according to the State Allowances Act, the Old Age Pensions on Favourable Conditions Act and the Superannuated Pensions Act.

257. Persons not covered by compulsory or voluntary health insurance must pay medical expenses themselves. For those in financial need, State budget resources have been allocated to cover the expenses of emergency medical care. These resources are distributed through local authorities and they pay for the medical services provided to those in need on the bases of letters of guarantee. If a person is uninsured by the compulsory health insurance by fault of the employer (i.e. the employer has not transferred the social tax to the health insurance budget), the medical costs will still be paid by the health insurance fund. In this case the health insurance fund will reclaim these expenses later from the employer.

258. At the end of 1997, health insurance funds had registered 1,429,075 members of whom 634,214 members (workers and self-employed persons) had social tax paid for them.

259. The costs of medical care, including medical examination, health maintenance and medical treatment of insured persons, are paid by the health insurance funds to medical institutions or private practitioners on the basis of agreements which the latter have concluded with the health insurance funds. This is done on the basis of a price list for medical services which is approved by the Ministry of Social Affairs. A draft list is developed by a pricing committee which includes representatives of health insurance funds, the Estonian Medical Association, the Estonian Hospital Association, the Family Doctors' Association, the County Doctors' Board and the Ministry of Social Affairs. Patients participate in cost sharing with a modest visit fee (5 EK for out-patient visits, 15 EK for home visits). Dental care is only partly covered by health insurance.

260. Sickness-maternity cash benefits are paid on the basis of a medical certificate (sick list) issued by the treating doctor in the following cases:

- illness or injury;
- pregnancy or childbirth;
- nursing a sick family member at home;
- nursing a child up to the age of 14 in a hospital;
- taking care of a child up to the age of 3 (or disabled child up to the age of 16) when the mother is ill;
- treatment in a sanatorium;
- fitting a prosthesis in a hospital;
- quarantine in the case of epidemic;
- temporary transfer to another job due to the state of health;
- adoption of a child of up to one year of age.

261. The rate of sickness cash benefit is:

- 60 per cent in case of hospital treatment;
- 80 per cent in cases of
  - home care;
  - nursing of a family member over 14;
  - nursing a child up to 3 (or up to 16 if disabled) at home when the mother is ill;
- 100 per cent in cases of
  - work injury, occupational disease, or other health impairment connected to work caused by the fault of the employer;
  - disability caused in the course of defence of the State or societal interests or in the course of preventing a crime;

- nursing of a child up to 14 (regardless of the treatment mode);

- pregnancy and childbirth.

262. In case of temporary transfer to another job because of health reasons, the health insurance fund will compensate the difference in wage.

263. The amount of the benefit is calculated on the basis of the average daily income of the insured person (upon which social tax has been paid) over the previous six months.

264. The payment of sickness cash benefit starts from the calendar day following the day of determination of temporary incapacity to work, i.e. there is a waiting period of one day. However, this waiting period is not applied in the cases of pregnancy and nursing of a sick family member.

265. The duration of payment of the cash benefit is limited to 182 successive days per case of sickness. At the latest by the 120th day of sickness the medical commission shall make a decision about the ability to work of the person. The commission has a right to renew the sick list or to determine permanent disability. In the latter case the payment of sickness benefit will be suspended and an invalidity pension is granted.

266. In the case of pregnancy and childbirth, the insured person has a right to receive cash benefit during the pre-delivery and post-delivery period for a total of 126 calendar days; in the case of multiple delivery or birth complications, the duration of benefit is extended to 140 calendar days. The person adopting a child under the age of one has a right to leave and cash benefits for 70 calendar days beginning from the day of the adoption.

267. Cash benefits are paid out by the health insurance fund where the person is insured.

268. Compensation of the cost of pharmaceuticals is the third type of benefit covered by health insurance. Health insurance funds the pharmacies for the difference between the regular price and the amount paid by a patient. For specified diagnoses, pharmaceuticals and social groups (children and persons in pension age) the patient pays the first 20 EK for the drug and in some cases 10 per cent of the remainder. For all other prescription drugs, the patient pays the first 50 EK and 50 per cent of the remainder.

269. Health insurance is financed from the social tax revenues. From the total rate of social tax - 33 per cent of the gross payroll - the part of social tax which is directed to finance health insurance is 13 per cent of the tax base. The social tax is collected by the Tax Office, which transfers the 13 per cent to the health insurance fund.

270. The scheme is administered by the Estonia Health Insurance Fund, which is a public-legal body operating under the Ministry of Social Affairs.

Statistics about health insurance

271. As of 1 January 1999, there were 649,718 insured employees (including 20,254 self-employed persons).

272. Since 1993 and 1994 were years of strong economic growth, social tax revenues increased respectively by 139 per cent and 61 per cent in those years. Social tax has increased at an average of 23 per cent per year, increasing the amount of funds spent on medical services and subsidized pharmaceuticals per insured person. The amount of funds allocated for medical services has increased annually. However, in percentage terms, it has been falling since 1997 as a result of the increase in the price of medical services in recent years. The amount of sickness cash benefits paid out in recent years has been stable at 17.5 per cent of the health insurance revenues from social tax.

Table 14. Comparison of the main financial indicators of the State health insurance system 1992-1998

	1992	1993	1994	1995	1996	1997	1998
Health insurance revenue from social tax (thousand EK)	438 861	1 048 817	1 692 188	2 131 390	2 563 736	3 097 413	3 572 669
Per capita (EK)	281	677	1 092	1 436	1 744	2 156	2 363
Medical care expenditures (thousand EK)	324 745	666 279	983 777	1 433 334	1 863 979	2 073 511	2 530 039
Per capita (EK)	208	430	635	956	1 263	1 422	1 745
Compensation of cost of pharmaceuticals to the insured (thousand EK)	5 498	55 576	97 209	110 468	146 231	254 268	359 547
Per capita (EK)	3.52	35.9	62.72	74	100	174	248
Cash benefits (thousand EK)	56 592	156 311	246 829	380 238	460 077	552 022	661 713
Per capita (EK)	36.23	100.96	159.27	254	313	379	456

Source: Central Health Insurance Fund.

Table 15. Comparison of the main financial indicators of the State health insurance system

	1992	1993	1994	1995	1996	1997	1998
Health insurance revenue from social tax (thousand EK)	438 861	1 048 817	1 692 188	2 131 390	2 563 736	3 097 413	3 572 669
Growth compared to previous year (thousand EK)		609 956	643 371	439 202	432 346	533 677	475 256
Growth (%)		139	61	26	20	21	15
Medical care expenditure (thousand EK)	324 745	666 279	983 777	1 433 334	1 863 979	2 073 511	2 530 039
Growth compared to previous year (thousand EK)		341 534	317 498	449 557	430 645	209 532	456 528
Growth (%)		105	48	46	30	11	22
Compensation of cost of pharmaceuticals to the insured (thousand EK)	5 498	55 576	97 209	110 468	146 231	254 268	359 547

	1992	1993	1994	1995	1996	1997	1998
Growth compared to previous year		50 078	41 633	13 259	35 763	108 037	105 279
Growth (%)		911	75	14	32	74	41
Cash benefits (thousand EK)	56 592	156 311	246 829	380 238	460 077	552 022	661 713
Growth compared to previous year		99 719	90 518	133 409	79 839	91 945	109 691
Growth (%)		176	58	54	21	20	20

Source: Central Health Insurance Fund.

Family benefits

273. The family benefit scheme is regulated by the Child Benefits Act (of 20 May 1997 with later amendments, renamed in 2000 the State Family Benefits Act).

274. Family benefits are paid to permanent and temporary residents of Estonia as well as to refugees and to their children in Estonia with the aim of compensating them for part of the costs associated with bringing up children.

275. The law establishes the following types of benefits:

- birth grant;
- child benefit;
- maintenance allowance (since 2000, childcare allowance);
- supplementary maintenance allowance;
- single parent's allowance;
- conscript's child allowance;
- school grant;
- foster care allowance;
- start-in-independent-life allowance.

276. Principal benefits - those taking the biggest share of expenditures - are child benefit and maintenance allowance. The benefits are calculated on the basis of the child benefit rate (CBR), which is established by the Parliament for each budgetary year. In 1999 the child benefit rate is 150 EK a month.

277. Birth grant is a one-off payment for each child born alive. The rate of the allowance depends on the number of children in the family. The following rates are applied:

- in respect of the first child in the family the benefit is 25 times the CBR (i.e. 3,750 EK);
- in respect of each subsequent child in the family the benefit is 20 times the CBR (i.e. 3,000 EK).

278. Child benefit is a monthly benefit paid from the birth of a child until he/she attains 16 years of age (or until 19 years of age in the case of enrolment in basic school, upper secondary school or vocational school in daytime study, or in another form of study for medical reasons). The benefit rate depends on the number of children in the family.

279. The following rates are applied for the child benefit:

- to families raising one child, at the rate of CBR (i.e. 150 EK);
- to families raising two or more children:
    - in respect of the second child, 1.5 times the CBR (i.e. 225 EK);
    - in respect of each subsequent child, 2 times the CBR (i.e. 300 EK).

280. Maintenance allowance is a monthly benefit for non-working parents. Since 2000 this type of family benefit will be replaced by the childcare allowance, which is a monthly benefit paid to persons on parental leave and to parents caring for children under eight years of age, regardless of whether they are working. The amount of the child maintenance allowance depends upon the age and number of children in the family. For each child under the age of three, the fee is 600 EK. If in addition to one or more children under the age of three, the family also contains children between three and eight (or until they finish the first grade at school), a child maintenance fee of 300 EK is paid for each child. For families with three or more children, the child maintenance allowance is paid at the rate of 300 EK for each child aged between three and eight (or until completion of the first grade at school). The child maintenance allowance is paid on top of the regular child benefits.

281. Single parent's child allowance (paid at the rate of twice the CBR (i.e. 300 EK)) is a monthly allowance paid in respect of each child up to 16 years of age (or 19 in case of studies) to the following persons raising a child alone:

- to the mother, if no entry has been made concerning the father in the birth certificate or the entry is made on the basis of a statement by the mother;
- to one of the parents, if the other parent is declared to be a fugitive pursuant to the procedure established by law.

282. Conscript's child allowance is a monthly allowance paid in respect of the children of conscripts in the defence forces. The rate of the benefit is five times the child benefit rate (i.e. 750 EK) per child, and the benefit is paid during the entire term of military service of the parent.

283. School grant is paid once a year for the commencement of the school year. The grant is paid in respect of each child receiving child allowance and who is enrolled in basic school, upper secondary school or vocational school in daytime study, or in another form of study for medical reasons. The rate of this grant is three times the CBR (i.e. 450 EK).

284. Foster care allowance is a monthly allowance, which is paid in respect of children up to 16 years of age (or 19 in case of studies) without parental care, for whom guardianship or a written agreement on foster care has been established. It is paid at twice the CBR (i.e. 300 EK).

285. Children leaving children's homes are entitled to a start-in-independent-life allowance, which is a one-off payment, at the rate of 5,000 EK.

286. The National Social Insurance Board administers the scheme through the regional pension offices. In respect of this scheme the regional pension offices:

- process applications for benefits;
- grant benefits;
- arrange the payment of benefits through banks or post offices;
- keep the register of beneficiaries.

287. Benefits are granted from the date the right to a benefit arises, if the documents necessary for application for the benefit are submitted within six months. Upon a later application for a benefit, monthly benefits shall be granted retroactively, but for not more than the six months preceding submission of the application.

288. If parents of the child are not married, but they have a common household and raise children together, all the children raised in the family are taken into account in granting a child allowance.

289. Family benefits are financed from the State budget, i.e. from the general State revenues. No earmarked tax or contribution exists for that purpose.

Unemployment benefit

290. The payment of unemployment benefits is regulated by the Social Protection of the Unemployed Act. Those eligible for unemployment benefits are permanent residents of the Republic of Estonia, aliens who reside in Estonia on the basis of a temporary residence permit

if they started to reside in Estonia before 1 July 1990, refugees and persons subject to bilateral social security agreements that Estonia has signed with Finland, Lithuania, Latvia and Ukraine.

291. Unemployment benefit is paid to a person who is registered as unemployed in a state employment office and who:

- is between the ages of 16 and the age of retirement;
- is seeking employment (contacts the State employment office once every 10 working days);
- has been employed or engaged in activity equal to work for at least 180 days during the 12 months prior to filing an application with an employment office. Activity equal to work is enrolment in daytime or full-time study at an educational institution, service in the armed forces or alternative service, hospitalization, nursing an elderly, sick or disabled person, stay in penal institution or in detention.

292. A person is registered as unemployed within 10 working days from the date when he or she submitted an application to the State employment office. The unemployment benefit is paid for a period of 180 days.

293. The unemployed have the right to apply for a grant for the period of retraining to start a business. Employment subsidies may also be paid to employers as a wage subsidy for a period of one year if they employ a person who is less competitive on the labour market.

294. Unemployment benefits are paid out through State employment offices. The scheme is administered by the Labour Market Board, an agency operating under the Ministry of Social Affairs. Unemployment benefits are financed by the State budget.

295. In 1999 the Estonian Government approved the General Principles of Unemployment Insurance. According to the concept the system of financial benefits for the unemployed consists of two levels:

- unemployment insurance benefit financed from the contributions of employers and workers on the basis of the earlier wage of the insured;
- flat-rate unemployment benefit payable from the State budget.

296. Only the unemployed who have made contributions into the unemployment insurance fund have the right to unemployment insurance benefits. Those unemployed who are not eligible for the unemployment insurance benefit or have lost such a right are eligible for an unemployment benefit.

Statistics on employment subsidies

Table 16. Registered unemployed and recipients of unemployment benefits 1993-1998

	1993	1994	1995	1996	1997	1998
Unemployed job-seekers (th., monthly average)	33.42	37.34	34.90	37.90	34.09	31.93
Percentage of labour force (%)	4.5	5.1	5.1	5.5	5.1	4.7
Recipients of unemployment benefits (th., monthly average)	18.84	17.27	13.93	17.19	18.28	17.59
Percentage of labour force (%)	2.5	2.4	2.0	2.5	2.7	2.6
Average period of payment of unemployment benefit (No. of days)	87	93	81	89	94	83

Source: National Labour Market Board.

Table 17. Employment subsidies

Monthly unemployment benefits:	
180 EK	from 1 October 1992
240 EK	from 1 June 1996
300 EK	from 1 March 1998
400 EK	from 1 January 1999
Business start-up subsidy:	
Double unemployment benefit rate for 18 months	from 1 April 1991
8 000 EK	from 1 January1995
10 000 EK	from 1 July 1997
Subsidy payable to employers for employing a person who is less competitive on the labour market: minimum wage for the first 6 months; 0.5 minimum wages for the next 6 months:	
680/340 EK	from 1 January 1996
845/422.5 EK	from 1 February 1997
1 100/550 EK	from 1 January 1998
1 250/625 EK	from 1 January 1999
Minimum rate of community work:	
6 EK a day	from 1 May 1993
1.6 EK an hour	from 1 October 1994
2.6 EK an hour	from 1 April 1996
5 EK an hour	from 1 January 1999
Monthly training grant:	
270 EK	from 1 October 1992
450 EK	from 1 October 1994
600 EK	from 1 January 1999

Source: National Labour Market Board.

Funeral grant

297. Funeral grant is a lump-sum benefit to cover funeral costs, and is payable to the organizer of the funeral.

298. The payment of funeral grants is governed by government regulation and administered by the National Social Insurance Board through regional pension offices. Funeral grants are financed from the general State revenues.

Work accidents and occupational diseases

299. Until now, social protection in the cases of work accidents and occupational diseases does not constitute a separate scheme in Estonia.

300. Treatment costs are covered and sickness cash benefits are provided as a part of the health insurance scheme in accordance with the Law on Health Insurance. In the case of permanent incapacity, disability pensions are paid in the framework of the pension insurance system.

301. Benefits are also administered by the respective institutions responsible for the administration of health insurance and pension insurance.

302. In addition, employers' liability for compensation for accidents is implied in the Civil Code. In case of permanent work incapacity (invalidity), employees also receive a State work incapacity (invalidity) pension. If the liable employer is no longer solvent (e.g. if a formerly State enterprise has been privatized, etc.), compensation is paid from the State budget and administered by the National Social Insurance Board and its local departments.

303. In 1998, the Government approved a concept paper on work accident and occupational disease insurance. On the basis of this concept paper, the draft Work Accident and Occupational Disease Insurance Act has been elaborated. The new scheme shall be implemented in 2002.

Statistics on State social insurance benefits

Table 18. State social insurance benefits

	1993	1994	1995	1996	1997	1998
Child and family allowances paid (000 EK)	482 932	595 338	721 054	829 744	964 692	1 226 710
Birth grant (000 EK)	13 345	13 165	16 705	20 165	22 224	31 303.9
number of payments	14 935	13 901	12 722	13 049	12 463	12 173
average benefit, EK	894	947	1 313	1 545	1 783	2 572
Maintenance allowance of a child up to 1½ years old (000 EK)[a]	38 524	41 053	46 711	54 384	60 771	160 825.8
average number of beneficiaries	22 122	19 618	18 384	18 801	17 657	22 873
average benefit, EK	145	175	212	241	287	586

	1993	1994	1995	1996	1997	1998
Maintenance allowance of a child from 1½ to 3 years of age (000 EK)	22 765	21 597	24 038	26 472	29 156	37 696.8
average number of beneficiaries	21 602	19 627	18 749	17 708	16 952	10 582
average benefit, EK	88	92	107	125	143	297
Child benefit to children below 15 years of age and to older students of general schools (000 EK)	383 494	-	-	-	-	-
average number of beneficiaries	359 191	-	-	-	-	-
average benefit, EK	89	-	-	-	-	-
- child benefit for the first child, (000 EK)	-	246 588	292 035	341 275	388 160.5	381 445.4
average number of beneficiaries	-	220 676	220 644	219 408	216 322	212 530
average benefit, EK	-	93	110	130	150	150
- child benefit for the second child (000 EK)	-	150 213	180 587	200 310	218 383.2	256 330.4
average number of beneficiaries	-	105 962	104 661	101 458	98 724	95 444
average benefit, EK	-	121	144	165	184	224
- child benefit for the third and subsequent child (000 EK)	-	66 269	81 910	87 513	92 470.4	113 275.6
average number of beneficiaries	-	37 142	35 104	34 066	32 929	31 604
average benefit, EK	-	150	194	214	234	299
Single parent's child allowance (single mothers) (000 EK)	16 894	17 398	19 022	23 231	26 498.8	42 433.2
average number of beneficiaries	23 615	22 117	24 502	25 875	25 280	24 804
average benefit, EK	60	61	65	75	87	143
Single parent's child allowance to a disabled person (000 EK)	-	348	1 187	1 923	2 755	3 307.5
average number of beneficiaries	-	230	595	831	1 027	1 223
average benefit, EK	-	143	166	193	223	225
Maintenance allowance to a non-working parent who raises a disabled child aged 1½ to 18 years of age (000 EK)	491	1 666	3 289	5 080	6 872.3	7 071.2
average number of beneficiaries	459	911	1 254	1 653	1 935	1 975
average benefit, EK -	90	165	219	256	296	298
School grant (000 EK)	-	20 451	26 504	30 539	70 448	105 353.6
average number of beneficiaries	-	227 240	230 629	235 184	235 867	249 031
average benefit, EK	-	90	115	130	299	423
Foster care allowance (000 EK)	1 309	4 103	6 419	7 341	8 355	9 227
average number of beneficiaries	1 780	1 999	2 411	2 364	2 332	2 575
average benefit, EK	60	169	222	259	299	299
Start-in-independent-life allowance (000 EK)	175	259	243	396	442	546.2
average number of beneficiaries	59	87	71	101	111	112
average benefit, EK	2 966	2 979	3 423	3 922	3 985	4 877

	1993	1994	1995	1996	1997	1998
Other child and family allowances (000 EK)[c]	5 935	12 228	22 404	31 254	38 156	10 037.5
average number of beneficiaries	39 643	70 995	61 917	80 239	78 906	2 784
average benefit, EK	39	44	83	104	123	300
Other benefits and allowances in total (000 EK)	19 187	24 097	27 279	35 254	42 130	53 846.0
Funeral grant (000 EK)	12 066	14 168	18 106	20 015	22 333	25 662.7
number of payments	20 172	20 277	20 076	18 331	17 916	18 569
average benefit, EK	598	698	902	1 092	1 247	1 382
Compensation in case of work accident and occupational disease (000 EK)	-	-	2 500	4 626	7 852	13 371.5
number of beneficiaries	-	-	175	308	474	619
number of payments	-	-	1 937	3 983	5 798	7 417
average one-time payment, EK	-	-	1 291	1 161	1 354	1 803
average per person	-	-	14 286	15 019	16 565	21 602
Medical treatment allowance	7 062	9 929	6 587	10 608	11 458	14 320.3
average number of beneficiaries	4 264	4 180	2 127	2 714	2 416	3 871
average benefit, EK	1 656	2 375	3 097	3 908	4 743	3 699
Other benefits (000 EK)[c]	59	-	86	143	487	1 332.8
average number of beneficiaries	51	-	180	316	168	577
number of payments	91	-	4 109	8 565	11 166	4 584
average benefit, EK	643	-	21	17	44	291
Total social insurance benefits and allowances (000 EK)	502 119	619 435	748 333	865 136	1 006 822	1 213 541 7

Source: Statistical Office.

[a] In 1998 due to a legal amendment, maintenance allowance of a child of up to 2 years of age.

[b] In 1998, maintenance allowances of a child aged 2-3. In 1993, maintenance allowances were paid to persons nursing a disabled child aged 3-16.

[c] Other child benefits include various benefits in different years, e.g. paid leave day to a parent of a disabled child, child allowance to children who went from children's home to a vocational education institution, conscripts child allowance, additional child allowance for families with four and more children, etc.

Subsistence benefits and other State social benefits

304. The legal basis for the subsistence benefits is the Social Welfare Act (arts. 22, 23).

305. Subsistence benefit is paid to persons who reside on the territory of the Republic of Estonia and whose monthly income is below the minimum subsistence level set by the Government. The subsistence level is determined on the basis of minimum consumption expenditure and is at present 500 EK. The first member of a family has a subsistence level

coefficient of 1.0, while the coefficient of all other family members is 0.8. In granting subsistence benefits, account is taken of the housing cost of the permanent place of residence per standard area. The objective is to ensure that after deducting housing costs, persons would have disposable income of 500 EK per month.

306. Social welfare allocations from the budget amounted to 658 million EK in 1997 and to 671 million EK in 1998. Of this amount, approximately two thirds have been subsistence benefits (412 million EK in both 1997 and 1998). In 1998, 48 per cent of families who were paid benefits had one or more children, 29 per cent were families with an unemployed family member and 18 per cent were families of pensioners.

307. Social welfare allocations are also used to pay additional social benefits, mainly to low-income families with children and to elderly people who live alone.

308. In 1998 an average of 74,000 applications were approved every month, representing approximately 12 per cent of all families. The average amount paid out per application was 460 EK.

309. In addition to the above benefits, budget funds are used to partly compensate transportation costs of disabled persons and telephone costs of families with several children and sick persons who often require medical care at home. Budget revenues were also used to pay benefits to persons discharged from penal institutions and to persons who assisted in the clean-up of the Chernobyl nuclear accident.

Medical care of uninsured persons

310. Pursuant to the Health Care Organization Act, all persons on the territory of Estonia have the right to emergency medical care (art. 5). If a person is not covered by health insurance and has no income, medical care is paid for by the local government from the funds allocated for this purpose by the State. In the State budget for 1999, the State allocated 46.9 million EK to pay for emergency care provided to uninsured persons. Although the funds allocated for this purpose by the State have increased year by year (27.5 million EK in 1997, 35.9 million EK in 1998), actual expenditure for care has been considerably higher and the costs of medical establishments have not been promptly reimbursed. Persons in need are still provided with emergency care (approximately 27,000 cases per year) irrespective of the existence of funds. Since at the beginning of 1999 the State has paid medical institutions 14.5 million EK that it owed them; more than half of the 1999 budget was spent in just three months and funding problems will also be significant in 1999.

311. Additional funding is also provided under State programmes to cover some medical expenses. For instance, in 1998 the State paid 7 million EK for medical costs of uninsured tuberculosis patients under the national tuberculosis eradication programme.

Social protection of persons with disabilities

312. Pursuant to the State Allowances Act:

- disabled persons are entitled to a disability pension, the amount of which depends on the gravity of the disability;
- children with disabilities are entitled to a disabled child pension;
- disabled children who are also entitled to a survivor's pension and disabled children who are orphans will receive a larger pension;
- the period of nursing a person with Group I disability, a disabled child or a person who has been disabled from childhood and is younger than 18 years of age will be included in the pensionable service.

313. In addition to pensions, persons with disabilities and their nurses are entitled to receive State social allowances. Pursuant to Government Regulation No. 318 of 23 December 1996 on the establishment of conditions and procedures for payment of State social benefits, these individuals are entitled to receive subsistence benefits on the same basis as others. In 1998 subsistence benefits were paid to 65,091 persons, of whom 5,256 were disabled persons. As of 1 January 1999, there were 62,522 recipients of disability pensions of whom only 8.4 per cent had incomes less than the established subsistence level.

314. On the basis of Regulation No. 318, non-working disabled persons will receive a transportation benefit and a telephone benefit and, if necessary and if there are sufficient resources, supplementary social benefits.

315. By the State Pension Insurance Act, which replaces the State Allowances Act of 1 April 2000, persons with disabilities will receive a pension for incapacity for work if he or she has completed a certain number of years of pensionable service. At the same time the Social Allowances of Disabled Persons Act will enter into force on 1 January 2000. It will provide for nine different types of allowances:

- disabled child allowance (in two rates, depending on the gravity of the disability (replaces disabled child pension));
- allowances for a disabled person who is 16 years old or older (to cover additional costs resulting from the disability, payable in addition to the incapacity for work pension);
- nursing allowance (three rates, payable to a non-working nurse who nurses a disabled child or an adult with a severe and profound disability);

- disabled parent allowance (payable to an adult raising a child);

- study grant (for covering additional costs related to education);

- rehabilitation allowance (payable for up to two weekly rehabilitation cycles a year);

- in-service training allowance paid once every three years for a training course of up to three months;

- transport allowance (replaces the allowance paid under Government Regulation No. 318);

- telephone allowance (replaces the allowance paid under Government Regulation No. 318).

316. Pursuant to the Health Insurance Act, the following persons are considered equal to the insured: persons who receive a State pension granted in Estonia (including persons receiving disability pension and, in the future, incapacity for work pension), one parent or a foster parent of a disabled child who is younger than 18 years of age or of a person who has been disabled from childhood, and a nurse for a person with Group I disability.

317. Placing a person with a disability in a social welfare institution is not considered a fundamental measure of subsistence but as an extreme measure. Pursuant to the Social Welfare Act, persons who are not capable of living independently due to their special needs or social situation, and whose ability to cope cannot be guaranteed by the provision of other social services or assistance, will be placed in 24-hour social welfare institutions. By law, social services, social allowances and other assistance will be provided with the consent of the person. The law also provides for the cases where care is provided without the consent of the person.

318. Disabled persons who are placed in a welfare institution receive pensions and benefits as follows:

- pursuant to the State Allowances Act, which is valid until 31 December 1999, minors staying in social welfare institutions financed from the State budget receive 50 per cent of the pension granted to them; this sum is transferred to the personal bank account of the child. Pensioners residing in a welfare institution financed from the State budget receive 15 per cent of the pension granted to them. In all other cases (where all or most subsistence costs are paid from other sources such as local government, client, etc.), pensions are paid in full;

- pursuant to the State Pension Insurance Act, which enters into force on 1 April 2000, pensions (old-age pension, pension for incapacity for work, survivor's pension and national pension) will be paid out in full irrespective of whether the beneficiary resides in an institution or at home. If the person stays in a welfare institution and is not fully financed by the State, a fee will be charged for the stay at the welfare establishment which will be deducted from his or her pension and other income (article 45 of the Social Welfare Act);

- social allowances granted under the Social Allowances of Disabled Persons Act, which enters into force on 1 January 2000, will not be paid if the person stays at a welfare institution and his or her subsistence costs are totally paid for and he or she does not contribute to his or her subsistence.

Social welfare and health-care expenditure

Table 19. Social welfare and health-care expenditure in 1993-1997 (million EK)

	1993	1994	1995	1996	1997
I. Social care and welfare establishments and services					
State budget[a]	589.0	554.5	442.7	1 644.1	553.3
Local budgets	100.1	59.7	117.3	197.0	587.1
Non-budget funds	1 572.7	2 619.7	3 707.2	4 088.9	5 772.0
TOTAL	2 261.8	3 233.9	4 267.2	5 930.0	6 912.4
Percentage of GDP	10.5	10.9	10.5	11.3	10.7
II. Health-care establishments and services					
State budget[b]	123.4	100.4	105.6	138.4	125.5
Local budgets	45.4	20.5	13.3	81.0	88.1
Non-budget funds	1 025.6	1 742.3	2 390.8	2 997.7	3 354.8
TOTAL	1 194.4	1 863.2	2 509.7	3 217.1	3 568.4
Percentage of GDP	5.5	6.3	6.2	6.1	5.5

Source: "State Finance", a publication of the Statistical Office (1993-1997).

[a] In 1996 includes expenditure on family benefits (814 million EK) usually provided under non-budget funds.

[b] Health-care expenditure in State budget does not contain expenditure on health care that is provided from funds financed from the State budget.

International cooperation

319. The Ministry of Social Affairs participates in the following EU Phare cooperation projects:

- "Establishment of the Training Centre for Continuing Education in Social Security and Social Welfare" (Phare Consensus No. ZZ-9505-01-22); cost: 115,000 ecus; duration: 1997-1998;

- "Introduction of simulation methods in social security analysis" (Phare Consensus No. ZZ-9505-01-28); cost: 134,000 ecus; duration: 1997-1998;

- "Coordination of social security schemes in Estonia, Latvia and Lithuania" (Phare Consensus No. ZZ-9505-01-33-016); cost: 170,513 ecus; duration: 1997-1998;

- "National social security legislation and EU law on equal treatment of men and women" (Phare Consensus No. ZZ-9710-0012-02); cost: 50,000 ecus; duration: 1998;

- "Protection of rights of persons claiming under the social security system in Estonia" (Phare Consensus No. ZZ-9710-0007-02); cost: 50,000 euros; duration: 1998-1999;

- "International workshop on aspects of financial management of social protection schemes" (Phare Consensus No. ZZ-9710-0038); cost: 400,000 euros (for all countries involved); duration: 1999.

Article 10

Marriage

320. The rights concerning marriage are guaranteed by the Constitution and are uniform for all members of the society (see the fourth periodic report of Estonia for the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/329/Add.2), paras. 163-168).

Table 20. Marriages and divorces, 1988-1998

Year	Number		Rate per 1 000 population		Divorces per 1 000 marriages registered
	of marriages	of divorces	marriages	divorces	
1988	12 973	5 924	8.31	3.79	457
1989	12 644	5 916	8.06	3.77	468
1990	11 774	5 785	7.49	3.68	491
1991	10 292	5 738	6.57	3.66	558
1992	8 878	6 651	5.75	4.31	749
1993	7 745	5 757	5.11	3.80	743
1994	7 378	5 606	4.92	3.74	760
1995	7 006	7 456	4.72	5.02	1 064
1996	5 517	5 657	3.76	3.85	1 025
1997	5 589	5 281	3.83	3.62	945
1998	5 430	4 491	3.75	3.10	827

Source: Statistical Office.

Right of minors to marry

321. Pursuant to the Family Law Act, a minor between 15 and 18 years of age may marry with the written consent of his or her parents or guardian. If a child has one parent or the other parent is declared to be missing or without active legal capacity or if one parent is deprived of parental rights, the consent of one parent is sufficient. If even one of the parents or a guardian does not consent to the marriage, a court may grant permission to marry on the application of one parent or the supervisory guardian. A court shall grant permission to marry if the marriage is in the interests of the minor (art. 3).

322. Pursuant to article 9 of the General Principles of the Civil Code Act, a minor acquires active legal capacity as of the date of the contract of marriage. Upon termination or annulment of marriage due to reasons which are not associated with the marriage, a minor does not lose active legal capacity acquired by marriage.

323. If a minor who is pregnant or has given birth does not marry, she shall have restricted active legal capacity until she has attained 18 years of age (art. 10).

324. Pursuant to the Abortion and Sterilization Act, an abortion may be performed only with the woman's consent. No one shall force or influence a woman to abort her pregnancy. A request for an abortion must be made in writing. Pursuant to the Criminal Code, performing an abortion against the will of the pregnant woman is punishable with imprisonment for two to six years (art. 120).

325. A pregnancy may be aborted if a woman has been pregnant less than 11 weeks. If the pregnant person is younger than 15 years of age, an abortion may be performed until the twenty-first week of pregnancy. The decision regarding whether an abortion is necessary shall be made by the physician who will perform the abortion. The age of a minor is determined by her passport, birth certificate or another personal identification document (articles 5, 6 and 11 of the Abortion and Sterilization Act).

326. If a woman requests an abortion, the physician performing abortions shall explain to her, before the abortion, the biological and medical meaning of abortion and the related risks, including possible complications. A report shall be made on counselling that will be signed by the person who was counselled and the physician (article 12 of the Abortion and Sterilization Act).

327. Young people's counselling centres raise the awareness of young people about sexual behaviour. Since 1994, 15 such counselling centres have been set up. A visit to the counselling centre is free. Some centres arrange lectures either in schools or in the centre and some centres even have their own Internet homepage.

Right of persons with disabilities to found a family

328. Pursuant to article 4 of the Family Law Act, a marriage shall not be contracted between persons of whom at least one is declared to be without active legal capacity. All persons with disabilities who have active legal capacity may marry. Article 21 states that a spouse is required

to maintain a spouse who needs assistance and is incapacitated for work, and to maintain a spouse during pregnancy and childcare until the child attains three years of age if the financial situation of the obligated spouse allows for provision of maintenance.

329. If persons who are staying in a care home marry, they will be given separate living premises either in the care home or outside. They may be provided assistance (including counselling and material assistance) on how to organize family life. Every year between one and three couples living in care homes marry.

Assisting persons with disabilities

330. In 1998, assistance to persons with disabilities was provided as follows:

- 23.7 million EK were paid from the State budget for prosthetic, orthopaedic and other appliances;
- the State allocated 4.3 million EK for payment for rehabilitation services;
- 35 per cent of recipients of domestic services (1,972 persons) were disabled persons; 97.8 per cent of the total expenditure for domestic services, which cost 18.5 million EK, were paid by local governments and 1.9 per cent by clients;
- local governments have helped persons with disabilities to arrange their living premises according to their needs and the resources of local governments;
- disabled residents were in 120 foster families, representing 24 per cent of the people in nursing care. Of them, 57.5 per cent were 65 years of age or older;
- there were 2,565 disabled persons in care homes and 750 disabled children in children's homes;
- the majority of maintenance costs of residents of welfare establishments were paid by local governments. The State paid 23 per cent and the persons themselves paid 5 per cent of the costs;
- special day-centres have been set up for disabled children. There are also integrated groups in general day-care centres and preparations to integrate individual disabled children in general groups has begun;
- subsistence benefits were paid to 54,285 families, of which 4,345, or 8 per cent, were families that had a family member with a disability. This shows that since disabled persons receive State disability pension, their economic subsistence level is usually higher than in the case of the unemployed or families with several children.

Assistance to families with elderly members

331. Assistance is being provided mainly to couples who reside on their own and who wish to remain at home as long as possible. It is also provided to elderly persons who reside with a young family.

332. The volume of social services has increased and the quality of the services has been improving gradually. The network of day centres has expanded, providing such services as catering, laundry, saunas, etc. to the elderly who reside near the centre.

333. Home services were provided to 5,683 persons in 1998, of whom 4,305 were older than 65 years of age. Home services were provided by 688 care personnel.

334. There were 160 elderly persons over 65 years of age who were in family care in 1998. Of them, 119 were women and 41 were men. The majority of the maintenance costs of the elderly in family care was covered by local governments. The average maintenance cost per person in care was 580 EK a month.

Protection of mothers before and after childbirth

335. In Estonia, protection of mothers is provided by the Employment Contracts Act, the Public Service Act, the Working and Rest Time Act, the Holiday Act, the Health Insurance Act, the Social Tax Act, the Child Allowances Act and the State Pension Insurance Act.

336. The Employment Contracts Act states that pregnant women have the right to request temporary easement of working conditions or temporary transfer to another position based on a certificate for sick leave prepared by a doctor. The difference in wages shall be compensated for the employee pursuant to the procedure prescribed in the Republic of Estonia Health Insurance Act. If the labour inspector of the seat (residence) of the employer establishes that it is not possible for the employer to ease the working conditions of the pregnant woman or transfer her to an easier job, she shall be released from work for the period prescribed in the certificate for sick leave and paid a mandatory medical insurance benefit pursuant to the procedure prescribed in the Republic of Estonia Health Insurance Act (art. 63).

337. It is not permitted to transfer a pregnant woman or a woman who is raising a disabled child or a child under 16 years of age to another locality (paragraph 4 of article 67; paragraph 1 of the same article states that on the basis of a decision of a State authority, an employer has the right to temporarily transfer an employee to a position at another enterprise, agency or other organization in the same or another locality for the prevention of a natural disaster, expeditious elimination of the consequences thereof or prevention of the spread of disease, but for not more than one month.).

338. It is prohibited to send pregnant women and minors on business trips. A woman raising a child under three years of age may be sent on a business trip with her consent (art. 51).

339. According to the Holidays Act employers are required to grant a holiday at the time requested by the employee to a woman before and after pregnancy or maternity leave or after parental leave, or to a woman raising a child of up to three years of age alone (art. 16).

340. The Working and Rest Time Act states that a person raising a child under 1½ years of age shall be provided with additional breaks to feed the child in addition to the general breaks for rest and meals. Such breaks shall be provided at least every three hours with a duration of not less than 30 minutes each time. Breaks for feeding a child are included in working time and payment of average wages shall be continued in respect of the breaks from State budget funds through the State social insurance budget pursuant to the procedure established by the Ministry of Social Affairs (art. 25).

341. By the Public Service Act a pregnant woman or a person raising a disabled child, one who is disabled from childhood or a child under three years of age shall not be sent on official travel without the person's consent (art. 40).

342. During pregnancy an official shall be entitled, based on a certificate for sick leave prepared by a doctor, to the temporary easement of her conditions of service or to a temporary transfer to another position, except a position to be filled by way of competition. The difference in wages shall be compensated pursuant to the procedure provided for in the Republic of Estonia Health Insurance Act. If the easement of conditions of service or transfer is impossible, an official shall be released from the performance of her functions for the period prescribed in the certificate for sick leave and shall be paid a mandatory medical insurance benefit pursuant to the procedure prescribed in the Republic of Estonia Health Insurance Act (art. 51).

343. By the Working and Rest Time Act it is prohibited to require pregnant women to work overtime (art. 14), during nighttime (from 22.00 until 6.00) (art. 19) and on days off (art. 30).

344. At the request of a pregnant woman or a woman raising a disabled child or a child under 14 years of age, an employer is required to permit her to work part time (art. 18).

345. A person raising a child under 1½ years of age shall be provided with additional breaks to feed the child in addition to the general breaks for rest and meal (art. 25).

346. Republic of Estonia Holidays Act provides women before or after pregnancy leave or maternity leave the right to receive a holiday in full during the first working year regardless of the amount of time worked (art. 9).

347. The same act regulates pregnancy leave and maternity leave: based on a certificate for maternity leave, a woman is granted a pregnancy leave of 70 calendar days before giving birth and a maternity leave of 56 calendar days after giving birth. In the case of a multiple birth or a delivery with complications, a maternity leave of 70 calendar days is granted. Pregnancy leave and maternity leave are added together and granted in full, regardless of the date of birth of the child. Compensation for the period of pregnancy leave and maternity leave is paid pursuant to the Health Insurance Act (art. 28).

348. The Holidays Act grants a mother or father parental leave at his or her request until the child attains three years of age. For the duration of a parental leave, an employment contract is suspended and for this period of time the employee is paid childcare allowance pursuant to the State Family Benefits Act (art. 30).

349. Pursuant to the Employees Disciplinary Punishment Act a female employee shall retain at least 70 per cent of the wages payable to her after the deduction of a fine if the employer has a document certifying that the employee is pregnant (art. 18).

350. Suspension from work without pay shall not be imposed on an employee if the employer has a document certifying that the employee is pregnant or the mother of a disabled child or a child under three years of age (art. 20).

351. Pursuant to the Health Insurance Act, in the case of temporary easement of working conditions or temporary transfer to another position, the difference in wages shall be paid to the insured person in such an amount that the difference in wages together with the wages received for the corresponding time shall not exceed the average wages of the insured person. In the case of temporary termination of work, the insured person shall receive 80 per cent of the average income of one calendar day, per calendar day (art. 10^4).

352. In the case of pregnancy and maternity leave, 100 per cent of pregnancy and maternity benefit shall be paid prior to and after childbirth for not more than 126 calendar days, or, in the case of a multiple birth or a delivery with complications, for not more than 140 calendar days (arts. 6 and 8).

353. Health examinations and medical services financed by the health insurance fund are also provided to persons for whom social tax has been paid, including non-working pregnant women from the twelfth week of pregnancy, and to children and spouses who are dependent on the insured person.

354. Pursuant to the Social Tax Act, the State shall pay social tax on the basis of the minimum monthly wage for persons who are on parental leave with a child of up to 3 years of age or for one unemployed parent who raises a child of up to 3 years of age (art. 6). They will also have the right to all medical examinations and medical services funded by the health insurance fund.

355. Pursuant to the Child Benefits Act, a monthly maintenance allowance is paid:

- at four times the child allowance rate to persons on parental leave, one non-working parent or one non-working parent who is enrolled in daytime study at a vocational institution or institute of higher education, who have a child of up to 2 years of age, for each child of such age.

- at twice the child allowance rate to persons on parental leave, one non-working parent or one non-working parent who is enrolled in daytime study at a vocational institution or institute of higher education who have a child between 2 and 3 years of age for each child of such age (art. 7).

356. Pursuant to the State Pension Insurance Act, years of pensionable service shall also include time during which a mother, father or guardian cares for a child under 3 years of age until the child attains 3 years of age (art. 18).

357. Article 6 of the Social Protection of the Unemployed Act provides that, as an exception, previous employment or involvement in an activity equal to work is not required of persons who for at least 180 days during the 12 months prior to registration as unemployed raised a disabled child or a child under 7 years of age as the mother or, in the absence of the mother or during the time the mother worked, as the father or guardian.

358. Based on incapacity reports, childbirth allowances were paid for 1 million calendar days in the amount of 100 million EK in 1998. Approximately two thirds of mothers had a job and received childbirth allowance before the maternity leave. Pregnant women who do not have a job do not receive a child benefit or allowance before childbirth. Unemployed women who no longer receive an unemployment benefit and have less than 70 calendar days until the birth day as determined by a physician, will receive unemployment benefit until childbirth.

359. Maintenance benefits were paid for 33,500 children under 3 years of age in the amount of 200 million EK in 1998.

360. Pursuant to the Child Benefits Act, non-working mothers receive a maintenance benefit from the day of childbirth in the amount of 600 EK a month for every child up to 2 years of age and 300 EK for every child aged 2-3 years; persons on maternity leave are paid maintenance benefit after the end of maternity leave.

361. Parental leave can be granted to and maintenance benefit can be paid either to the father or to the mother of the child.

362. No maintenance benefit is paid when both parents are working and no other person is formally authorized to take parental leave.

363. An amendment to the Child Benefits Act has been drafted which is scheduled to enter into force on 1 January 2000. The new law would be named the Family Allowances Act.

364. Rates of childbirth allowance, single parent's child allowance, conscript's child allowance and maintenance allowance (which will be renamed childcare allowance), will rise.

365. The range of recipients of childcare allowance will be wider than that of the current maintenance allowances. Recipients of a childcare allowance are permitted to be employed.

366. The State will pay social tax on behalf of recipients of childcare allowance, providing them with health insurance and State pension insurance coverage. These provisions indicate that the State considers the raising of children as work.

367. In comparison with the 1999 budget, the amount to be allocated for child benefits (family allowances) would increase by 17 per cent.

368. Pursuant to the Social Welfare Act, local governments are entitled to grant and pay supplementary social benefits (including childbirth allowances). Local governments provide newborn babies with gift packages containing necessary items. The Act also provides for social counselling (arts. 23 and 11).

Motherhood of disabled women

369. Disabled women have largely the same right to protect their motherhood as other women. However, there are certain special issues, such as the payment of additional State allowances and abortion and sterilization issues.

370. Pursuant to the Child Benefits Act, until 31 December 1999, a single parent's child allowance is paid to a single disabled parent at 1½ times the normal child allowance rate. Pursuant to the Social Benefits of Disabled Persons Act, as of 1 January 2000 monthly allowances will continue to be paid to a single disabled parent, but the range of eligible persons is extended to include one disabled parent who is married.

371. The Abortion and Sterilization Act provides the conditions and procedures for abortion and sterilization. Pursuant to this legal act, a pregnancy may be aborted in general only if the pregnant woman so wishes in a written application. The pregnancy of a woman who has no legal capacity may be terminated by the written application of her guardian (art. 5). A person may be sterilized only upon the person's own wish. An application to undergo sterilization must be made in writing. The decision to sterilize a person without legal capacity is made by a court on the basis of a written application of the person's guardian (art. 19).

372. In most cases a pregnancy can only be aborted before the eleventh week of the pregnancy. After the eleventh week, but before the twenty-first week, it may be aborted if:

- the pregnancy endangers the life of the pregnant woman;
- a child may be born with a profound mental or physical health disorder;
- the sickness of a pregnant woman or a health-related problem restricts raising a child;
- the pregnant woman is younger than 15 years of age;
- the pregnant woman is older than 45 years of age (art. 6).

373. An adult person with legal capacity may be sterilized if at least one of the following conditions prevails:

- the person has at least 3 children;
- the person is older than 35 years of age;
- pregnancy is dangerous to the woman's health;

- the use of other contraceptive means is prohibited;

- the person is at risk of having a child with a profound mental or physical disability;

- the person's health is an obstacle to raising a child.

374. An adult person without legal capacity may be sterilized if at least one condition mentioned in the law prevails. A list of problems related to diseases and health in the case of which sterilization is permitted is laid down by the Minister of Social Affairs in a regulation (art. 20).

375. If an abortion is needed for health reasons, the justification for the abortion will be determined by two or more gynaecologists and at least one physician specializing in the disease or condition at issue. At least three physicians will decide whether sterilization for health reasons is permitted. If the obstacle involves the raising of the child, a social worker will be involved in the decision-making process, if necessary.

376. The decision will be made in writing and signed by all the decision makers. Before an abortion or a sterilization, a treating physician must explain to the woman or her guardian the biological and medical meaning of abortion or sterilization and the related risks, including possible complications. A report will be drafted on the counselling which must be signed by the counselling physician and the person who was counselled. A person may not be sterilized before one month after the date of the counselling (arts. 11, 12, 23, 24.)

Legal basis and State programmes in the field of child protection

377. Legal acts regulating child protection activities include the Child Protection Act, the Family Law Act, the Social Welfare Act, the Work with Young People Act and the Inducement of Minors Act. These acts provide child protection through the activities of State institutions, local governments and public organizations. Preparations are being made to draft an amended Child Protection Act that would provide Estonia with better implementation of the Convention on the Rights of Child. Employment relations for children are regulated by the Employment Contracts Act, the Working and Rest Time Act and the Republic of Estonia Holidays Act. Children seeking employment are covered by the Social Protection of the Unemployed Act. Children's rights to social allowances are provided under the Child Benefits Act, the Health Insurance Act, the State Allowances Act and the Social Benefits of Disabled Persons Act. A broad overview of social benefits is provided under the section of this report that concerns article 9 of the Covenant.

378. The Estonian Government has approved the Health Programme of Children and Young People and Prevention of Minor Offenders by Legal, Social and Pedagogical Means, a subprogramme of the National Criminal Prevention Programme. The Government has also approved a number of other national programmes in the field of protection of children and young people such as Preventive Work in the Social Sector, Open Care, Programme on the Prevention

of Alcohol and Drug Abuse 1997-2007, Setting up a System of Assisting Crime Victims. In addition, approval has been given to the Policy Principles of Preventing Drug Addiction and Combating Drug-related Crime 1997-2007. The Ministry of Social Affairs has approved the National Programme on Developing Child Welfare 1998-2000.

Equal right of children to protection

379. Child protection is based on the principles of protecting children's rights and childcare, and with promoting active self-expression of children. In making decisions concerning children the child's interests are the priority.

380. Discrimination is prohibited pursuant to article 12 of the Constitution. By the Child Protection Act, a child has an equal right to receive assistance and care and to develop, regardless of his or her sex or ethnic origin, whether the child lives in a two-parent or single-parent family, whether the child is adopted or under guardianship, whether the child is born in or out of wedlock and whether the child is healthy, ill or disabled.

Rights and obligations of parents

381. According to the Constitution, parents have the right and the duty to raise and care for their children (art. 27). This provision lays down the primary role of the family and parents in protecting and caring for children.

382. By the Family Law Act, parents have equal rights and duties with respect to their children. A parent is the legal representative of a child. As a legal representative, the parent has the mandate of a guardian. A parent is required to protect the rights and interests of his or her child. A parent shall not exercise parental rights contrary to the interests of a child (arts. 49, 50). If parents live apart, they shall agree with which parent a child shall reside. In the absence of an agreement, a court shall settle the dispute at the request of a parent (art. 51).

383. If parents cannot agree on the manner in which the parent living apart participates in the raising of a child and has access to the child, a supervisory guardian or, at the request of a parent, a court, shall settle the dispute (art. 52). A parent has the right to demand his or her child back from any person who has control of the child without legal basis (art. 50).

384. A parent is required to maintain his or her minor child and an adult child who needs assistance and is incapacitated for work. If a child attends basic school, secondary school or vocational school and continues to study therein upon becoming an adult, a parent is required to maintain the child during his or her studies.

385. If a parent fails to perform the duty to provide maintenance to a child, a court shall, at the request of the other parent, the guardian or guardianship authority, order support for the child to be paid to the parent who submitted the claim or to the guardian or person in whose interest the guardianship authority submitted the claim. The monthly support payment for one child shall not be less than one quarter of the minimum monthly salary rate established by the Government

of the Republic. If a child resides with each parent, a court shall order support for a child from the parent who has the better financial situation. If a parent fails to perform the duty to provide maintenance to a child in a childcare institution, a court shall order support from the parent for the child (arts. 60, 61, 62).

386. Pursuant to the Enforcement Code, a claim may be made against the assets of the debtor if he or she has not duly paid alimony (art. 69). If a parent deliberately fails to pay alimony that he or she has been ordered to pay by the court, he or she will bear criminal liability (article 121 of the Criminal Code).

387. According to the Family Law Act, the grandparents, adult brothers and adult sisters are also obliged to maintain children, provided that their material situation permits (arts. 65 and 67).

388. The enforcement of claims for maintenance is regulated by article 69 of the Enforcement Code under which the agreed monthly amount payable may not be lower than the established minimum rate (at present 312.50 EK, which is 25 per cent of the minimum wage of 1,250 EK). Amounts payable for maintenance cannot be offset against a countersuit by the debtor. Court rulings made in matters of enforcing claims for maintenance are immediately enforceable (article 244 of the Code of Civil Court Procedure.)

389. In 1998 a total of 1,980 lawsuits were filed for awarding maintenance to minors. As of 1 January 1999, the enforcement departments of courts had 7,959 such cases.

390. Pursuant to the Child Protection Act, single-parent families and two-parent families have an equal obligation to raise and care for their children (art. 26). The parents of a child are required to get to know and understand the child in order to competently support the child's development. For such purpose, they have the right to receive consultation free of charge from a social services department (art. 25).

Right of children to health protection

391. Pursuant to the Constitution, everyone has the right to the protection of health (art. 28).

392. Pursuant to the Health Insurance Act, children younger than 18 years of age are considered equal with the insured for the purposes of health insurance (art. 2). Children, from birth until graduation from upper secondary school, are subject to compulsory preventive medical monitoring which is financed by the health insurance budget allocated for health prevention.

393. According to the Child Protection Act, every child shall maintain and not harm his or her health (art. 23).

394. The most frequent diseases during childhood (from years 1 to 14) are respiratory diseases (75,000-106,700 cases per 100,000 children), nervous and sensory system diseases (10,900-18,200 cases), injuries and poisoning (7,800-13,200 cases), skin and subcutaneous tissue diseases (7,600-12,400 cases), and infectious and parasitic diseases (9,500-17,500 cases).

395. In a move towards promoting the health of children and young people, as well as to identify existing risk factors, the Ministry of Social Affairs is implementing a National Health Programme for Children and Young People until 2000. The programme contains a number of autonomous subprogrammes such as Physical Activity and Prevention of Traumas of Children and Young People, Mental Health, School Environment, School Meals Programme.

Right of children to education

396. According to the Constitution, everyone has the right to an education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in State and local government general education schools. In order to make education accessible, the State and local governments shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law. Parents shall have the final decision in the choice of education for their children (art. 37).

397. According to the Child Protection Act, every child has the right to an education (art. 39). Children have an obligation to attend school pursuant to article 22 of the Education Act.

398. The State and local governments guarantee that everyone in Estonia will be able to fulfil his or her obligation to attend school and able to participate in constant learning (art. 4). A child is obliged to attend school the year he or she reaches 7 years of age by 1 October. A student is obliged to remain in school until he or she obtains basic education or attains 17 years of age. The obligation to attend school may also be fulfilled in the form of home study. The children of citizens of foreign States and children of stateless persons who reside in Estonia are also under obligation to attend school, except for children of representatives of foreign States (art. 8).

399. Records of school attendance are kept and attendance monitored by local governments (art. 7).

Protection of children from exploitation

400. According to the Child Protection Act, a child shall be protected from economic exploitation and from performing work which is hazardous, beyond the child's capabilities, harmful to the child's development or may interfere with the child's education. A child shall not be subjected to physical or mental exploitation (art. 14). Voluntary work appropriate to the age of a child is important for the normal development of a child. The State and local governments shall create conditions necessary for work by a child (art. 21).

401. Pursuant to the Employment Contracts Act, an employee may, in exceptional cases, also be a minor if he or she has attained 15 years of age, has the written consent of one parent or a guardian, if the work does not endanger his or her health, morality or education and is not prohibited to minors by law or a collective agreement. A minor of 13 to 14 years of age may be employed with the written consent of one parent or a guardian and the labour inspector of the seat (residence) of the employer, for work set out in a list approved by the Government of the

Republic, if the work does not endanger the health, morality or education of the minor and is not prohibited to minors by a collective agreement. A minor who is 15 years of age can be employed with the written consent of one parent or a guardian. This consent is provided with the objective of anticipating and avoiding possible dangers.

402. If an employment contract has been entered into and the work has not yet commenced, and it is found that the work endangers the health, morality or education of the minor, the employment contract is deemed invalid, with full consequences arising from such invalidation.

403. The parent, guardian, or the labour inspector of the seat (residence) of an employer may demand termination of an employment contract entered into with a minor if the work endangers the health, morality or education of the minor. An employer terminates an employment contract on the date following the date of submission of the corresponding written demand. Upon termination of the employment contract of a minor, the employer is required to pay compensation to the minor in the amount of his or her average wages for one month.

404. According to the Child Protection Act, a child who has completed general education and who does not wish or is not able to continue with his or her studies may be admitted to employment in accordance with the law. The employment offices together with the social services departments shall decide whether a child who has not completed general education, who is an orphan, or who has been deprived of parental care may be admitted to employment. Schools are required to notify the social services departments of all children who discontinue general education before completion. The employment offices are required to maintain records of children who do not work or study and to notify the social services departments of such children. The social services departments are required to assist children who do not study or work with organizing their education and employment (arts. 43, 44).

405. The Working and Rest Time Act provides that it is prohibited to apply a probationary period on minors or to send them on business trips without their consent. In addition, minors are entitled to reduced working time which shall not exceed 20 hours per week for employees who are 13-14 years of age, 25 hours per week for employees who are 15-16 years of age and 30 hours per week for employees who are 17 years of age. This is considered to be full working time for minors and is subject to full pay. For the purpose of protecting the health of minors and enabling minors to complete their education, it is prohibited to request minors to work overtime, during evenings, at night or on days off.

406. The Republic of Estonia Holidays Act provides minors with a number of advantages in comparison with adult workers for the purpose of protecting their health, development and education. For example, the basic holiday for minors is extended to 35 calendar days; an employer is required to grant them a holiday at the time they request; minors must be granted a holiday every working year; the transfer of the holiday of a minor to the following working year is prohibited. Supervision over the enforcement of this legislation is carried out by the Labour Inspectorate.

407. Pursuant to the Social Protection of the Unemployed Act, minors who seek work are entitled to receive employment services, including employment training and employment benefits, free of charge.

408. Article 28 of the Constitution states that no one shall be compelled to perform work or service against his or her free will. Children are not forced to perform work in Estonia.

409. Children who are younger than 16 years of age work in Estonia mainly during the summer holidays. They perform suitable work for children (in rural areas mainly gardening, and in towns mainly services on a personal basis). In 1998 Estonian labour inspectors issued 180 permits for employment to minors aged 13 to 14 years of age, whereas a permit was denied in 23 cases because the work was prohibited for minors (sale of petrol, night work in a bar, etc.). There are no separate records regarding the employment of minors over the age of 15.

410. Supervision over the observance of labour protection requirements, including safety equipment and other labour protection regulations, is carried out by officials of the Labour Inspectorate. Violations are punishable with a fine of up to 100 daily wages. Should such activities lead to a breakdown, occupational accident or occupational disease, the guilty party may be fined for up to 200 daily wages by an administrative judge. The director-general of the Labour Inspectorate, his or her deputy, heads of local labour inspectorates and the chief inspector have the right to impose a fine of up to 50 daily wages.

Sexual abuse of children

411. Article 33 of the Child Protection Act provides that the child shall be protected from all forms of sexual exploitation; the following is therefore prohibited for adults:

- inducement of a child to engage in sexual activity;
- exploitative use of children in prostitution;
- exploitative use of children for pornographic purposes.

412. The manufacturing, ownership or distribution of a work or a copy of a work depicting a juvenile in erotic or pornographic situations and inducement of a juvenile to prostitution, or mediation of the prostitution of a juvenile is punishable by the Criminal Code.

413. Since 1995, crisis help, counselling and training for an abused child and his or her next of kin are provided by the Tartu Children's Support Centre. In 1999 a similar centre was set up in Tallinn. Children are also able to get help from crisis centres and lifeline telephone numbers. A programme has been included in the school curricula.

414. The national programme for assisting crime victims, which was launched in 1999, is aimed at preventing all violence and providing rehabilitation and support to crime victims, as well as training.

415. Estonia is participating in the international cooperation network. In September 1998, in cooperation with the Council of Baltic Sea Countries, an international conference on sexual abuse of children was held in Tallinn. In 1998-1999 Estonia took part in an international project called STOP, the objective of which was to combat the sexual trade in children and women.

416. Special attention is given to:

- raising public awareness on the gravity and extent of the problem through wide media coverage (special information campaigns, etc.). In addition, a number of various publications (booklets, leaflets, books) will be published and distributed;

- training of parents and family members on problem identification and implementation of suitable measures;

- training of children on avoiding danger and on how to take action in a dangerous situation;

- training of employees in dealing with children (workshops, information days, training curricula, etc.). In the 1998/99 academic year the subject of abuse of children was included in the curriculum of the Police Academy;

- counselling and assistance for victims of violence and their families;

- setting up of a cooperation network (pedagogue, social worker, a physician, police worker, etc.) between persons dealing with children (information exchange, problem identification, information and action without delay).

Protection of children who are deprived of parental care

417. The Child Protection Act states that families with children shall receive protection and support from the State. The recording and support of families in need of assistance shall be organized by the social services departments (art. 24). The objective of child assistance, including the objective of guardianship and custody, is to ensure the child's security, development and well-being, taking into consideration the needs and wishes of the child, and to support the child's development into an independent adult. Every person is required to immediately notify the social services departments, police or some other body providing assistance if the person knows of a child who is in need of protection or assistance (arts. 58 and 59).

418. By law, officials are required to notify the rural municipality government or city government of the residence of the person or family of persons or families in need of social welfare or guardianship (article 37 of the Social Welfare Act; article 92 of the Family Law Act). The social services departments have the right, and are required, to act immediately, regardless of the region or group to which the child belongs (articles 58, 59, 60 of the Child Protection Act).

419. A child is in need of immediate assistance if:

- the child is in a situation which endangers his or her life or health;

- the child endangers his or her health and development through his or her own behaviour or actions (article 32 of the Child Protection Act).

420. Pursuant to the Social Welfare Act, a child may be separated from his or her home and family for the provision of social services and other assistance only upon the concurrent presence of the following circumstances:

- deficiencies in the care and raising of the child that endanger the child's life, health or development, or if the child endangers his or her own life, health or development with his or her own behaviour;

- other measures applied with respect to the family and child have not been sufficient or their use is not possible;

- separation of the child from the family is in the best interest of the child.

421. If any of those circumstances is not present, the child shall be sent back home to his or her family (art. 25).

422. The subsequent residence, care and raising of a child separated from his or her home and family shall be arranged by the rural municipality government or city government. A rural municipality government or city government shall, if necessary, provide assistance to a family from whom a child has been taken in order to help establish the prerequisite conditions for the child to return to the family (art. 25).

423. Upon placement of a child in care outside the administrative jurisdiction of a local government, the rural municipality government or city government shall attend to the preservation of the child's connections with his or her former home-city, establish conditions for the child to return there, and help the child in his or her start in independent life (art. 25).

424. Pursuant to the Family Law Act, a decision to remove a child from the parent or to deprive a parent of parental rights will be made by a court (arts. 53, 54).

425. The social services departments may assist the child in finding a suitable support family or support person. Temporary assistance, support and protection shall be provided to the child by shelters (crisis homes) (articles 61 and 62 of the Child Protection Act).

426. According to the Child Protection Act, the Family Law Act and the Social Welfare Act, orphans or children who have lost parental care will be adopted, placed under guardianship, or placed in children's welfare establishments. Until a guardian is designated or the child is adopted, the obligations of a guardian are fulfilled by the social board of a local government.

427. A child who is being assisted has the right to contact with his or her parents and close relatives and to obtain full information on them, except if such contact endangers the health and development of the child (article 64 of the Child Protection Act).

428. After termination of guardianship, the social services departments shall provide the child with continued care to assist and provide advice to the child in organizing his or her life (article 65 of the Child Protection Act).

429. According to the Family Law Act, in hearing a dispute concerning a child, the court shall take into account the interests of the child and consider the wishes of a child who is at least 10 years of age. The wishes of a child younger than 10 years of age shall also be considered if the development level of the child so permits (art. 58).

430. Pursuant to the Social Welfare Act, in the resolution of issues pertaining to social welfare, the opinion of the person shall be considered. In the resolution of issues pertaining to a child, ward, or person under guardianship, the opinion of the parent, foster parent or guardian shall be considered. Issues pertaining to social welfare may be resolved without considering the opinion of those persons if this is not necessary for resolution or if resolution cannot be postponed due to urgency (art. 31).

431. In the provision of social services, social benefits and other assistance, a person's wishes shall be considered. In the resolution of issues pertaining to a child, the wishes of the parent or, if there is no parent, the foster parent or guardian and the wishes of a child who is at least 10 years of age shall be considered. Upon separation of a child from his or her home and family, the wishes of a child who is less than 10 years of age shall also be considered if the developmental level of the child so permits (art. 32).

432. Pursuant to the Child Protection Act, if a child is separated from his or her parents, the opinions and wishes of the child shall be heard and annexed to the documentation concerning the separation. The opinions of the child shall be heard and documented by a social services department (art. 27).

433. An orphan or child deprived of parental care has the right to full maintenance by the State and to a survivor's pension. The right of the child to full maintenance by the State is guaranteed also when parental rights have been removed from the parent or the child has been separated from the family with a court order (based on article 15 of the Child Welfare Act, articles 12-17 of the State Allowances Act, articles 13-14 of the State Pension Insurance Act).

434. Pursuant to article 13 of the State Allowances Act, which is valid until 31 December 1999, and pursuant to article 13 of the State Pension Insurance Act, which enters into force on 1 January 2000, a survivor's pension is paid to a child, brother, sister or grandchild who is under 18 years of age and is entitled to a survivor's pension. Pursuant to the law, stepchildren and foster-children who are not maintained by their parents, step-parents or foster parents also have the right to receive a survivor's pension.

435. Foster care allowance is a monthly allowance that is paid to children for whom guardianship has been established or with respect to whom a written agreement regarding foster care has been entered into (article 12 of the Child Benefits Act). The Ministry of Social Affairs has planned to introduce additional allowances for these families from 1999.

436. A sum of EK 5,000 is paid to orphans or persons without parental care who have lived in a children's home or school for the disabled for at least the last three years. If an orphan or a

person without parental care has lived in a children's home or school for the disabled for less than three years, the start in independent life allowance shall be reduced by 2.5 per cent for each month less than three years (article 13 of the Child Benefits Act).

437. Pursuant to the Education Act, the State and local governments provide orphans and children without parental care full maintenance and an opportunity to learn and to obtain an education (art. 9).

438. An orphan or a child without parental care who obtains an education has the same rights as other children. The education of children who reside in children's homes and youth homes is organized similarly to the education of children who reside at home - they study either in the basic school or upper secondary school of their place of resident or in a suitable special school. Education of children of school-age who reside in residential educational institutions may be organized in the same institution (articles. 16 and 18 of the Social Welfare Act).

439. These children have the right to the following State benefits:

- pursuant to the Child Benefits Act, child allowance is paid to orphans and children without parental care who have left a children's home to study at a vocational school and whose age meets the requirements (art. 4);

- child allowance is paid monthly, from the birth of a child until he or she attains 16 years of age, or, in the case of enrolment in basic school, upper secondary school or vocational school in daytime study or another form of study for medical reasons, until he or she attains 19 years of age. If a child attains 19 years of age during a school year, allowance is paid to the end of the school year;

- survivor's pension is paid in the case of a student enrolled in daytime or full-time study, before he or she attained 24 years of age (article 13 of the State Allowances Act, article 13 of the State Pension Insurance Act).

440. As of 1 January 1999 there were 77 children from children's homes who studied at vocational schools. During the study at the vocational school, the children remain on the list of the children's home (it is based on the statutes of the children's establishment) and, in addition to the above benefits, have the right to get clothing, food and other items necessary for school from the children's home (in practice, such young people are also assisted with covering the cost of accommodation in the dormitory). A young person who studies in a vocational school has the opportunity to also stay at the children's home, if necessary, on weekends, school holidays, etc.

441. An orphan or a child without parental care has similar rights in seeking and entering into employment as other children (see above on children's protection against exploitation).

442. The employment offices, together with the social services departments, shall decide whether a child who has not completed general education, who is an orphan or who has been deprived of parental care may be admitted to employment (article 43 of the Child Welfare Act).

Children with disabilities

443. Pursuant to the Child Protection Act, the disabled child shall have opportunities for education, development and self-realization equal to those of able children. The disabled child has the right to special care in accordance with the child's specific needs. The child and his or her caregiver shall have access to multifaceted social, medical and spiritual assistance. The parents of a disabled child have the right to paid care for the child in the home if the child is not able or permitted to attend an institution for children due to his or her disability. The parents or caregivers of a disabled child shall receive support from the State for care of the child in the home in accordance with the law. Teachers and caregivers of disabled children shall have received special education training and be suitable for such work. Social services departments may evaluate whether persons working with disabled children are suited for such work (arts. 52, 53, 54, 55, 42).

444. Pursuant to the Education Act, the local government shall guarantee to persons with disabilities the possibility to study at the school of their place of residence. If such conditions are not provided, the State and local government will ensure that such children are able to study in special educational institutions. The type of the educational institution or the child's alternative place of study will be determined or recommended on the basis of medical, psychological and pedagogical studies (art. 10).

445. According to the Pre-school Children's Establishment Act, a rural or urban municipality will provide all children residing in its administrative territory with an opportunity to go to a children's establishment of the area of service (art. 10). A pre-school children's establishment provides younger children with care and basic education (art. 1).

446. On the proposal of the manager of the children's establishment, a rural or urban municipality may set up adaptation groups in the children's establishment where disabled children are together with other children as well as special groups only for disabled children. A special day-care centre for disabled children may also be established (arts. 5 and 6).

447. According to the Basic Schools and Upper Secondary Schools Act, a school is required to ensure that each child who is both subject to the obligation to attend school and who resides in the catchment area of the school the opportunity to attend school. Rural municipality or city governments shall form, if necessary, separate classes in schools for students who have behavioural problems. The obligation to attend school may also be fulfilled by studying at home. The procedure for home schooling shall be established by a regulation of the Minister of Education (arts. 15, 19, 20).

448. Depending on the need of students to receive special education, special support, or special treatment, a basic school or an upper secondary school may be a school for students with special needs or be a sanatorium school. Schools for students with special needs and health disorders shall be established by a regulation of the Minister of Education or by the executive body of a local government (art. 15).

449. Schools for students with special needs are intended for students with physical disabilities, speech impairments, sensory or learning disabilities, or mental disorders, and for students who need special treatment due to behavioural problems. Sanatorium schools are intended for students with health disorders. In these school students both study and receive the necessary treatment (art. 4).

450. Students may live in the dormitories of the schools for students with special needs or of sanatorium schools during the entire academic year, except during summer holidays; students in dormitories of schools for students who need special treatment due to behavioural problems may live there throughout the year (art. 16). After attendance at a sanatorium school or a school for students with special needs is no longer necessary, a student has the right to continue his or her studies in his or her former school (art. 21).

451. The upper limit of the size of a class shall be 36 students.

452. The development class of the school is assembled from students who need assistance with teaching. If there are children with a mental disability in the class, each of them is counted as three children when calculating the number of students in the class. There are from 7 to 20 students per special class (arts. 25 and 26).

453. Parents may freely choose a school for a child subject to the obligation to attend school if there are vacant places in the school they wish the child to attend (art. 18).

454. Students have the right to choose a school suitable for their interests and abilities, or to pursue studies on the basis of an individual curriculum pursuant to the procedure established by a regulation of the Minister of Education (art. 31). Upon disagreement with a decision of the teachers' council and in the case of points of dispute concerning teaching and education, students and their parents have the right to address the board of trustees of the school and the official exercising State supervision over the school (art. 33).

455. Pursuant to the Pre-school Children's Establishment Act and the Basic and Upper Secondary School Act, the Minister of Education has approved admittance procedures into a special day-care centre and into a special class. Minister of Education Regulation No. 16 of 11 May 1995 states that the form of study and raising of a disabled child, or the type of school the disabled child will attend, is selected on the basis of pedagogical-psychological and medical studies. These studies are carried out by a consultative committee set up for this purpose. The composition of a consultative committee is determined by the educational department of a county government or the government of an urban municipality with the consent of the county doctors and the social welfare department of a local government.

456. Admission of a child to a special educational or care institution without the decision of a consultative committee is prohibited. Prior examination, monitoring and diagnosis of the child is carried out in the environment in which the child lives or studies. The parents or guardian of the child may be present at the consultation.

457. If necessary, the children's establishment or school, together with the parent or the guardian, may make a proposal (recommendation) to change the form of study. Admission for a disabled child to a special day-care centre/group or into a special school/class, as well as the implementation of special study, is made on the basis of an application made by the parent or guardian. In the case of multiple disability, the child will be placed in the special group or class which best suits his or her development.

458. The procedure for providing education and care in a special day-care centre/group and special school/class is based on the curricula approved by the Minister of Education. Depending on the type of disability, children are provided with special study, medical care, rehabilitative care, disability correction and compensation services.

459. Curricula adapted to disabled children are based on Minister of Education Regulation No. 17 of 12 September 1997, which approves the procedural basis for preparation and implementation of individual curricula pursuant to the Basic and Upper Secondary School Act.

460. Pursuant to the Child Benefits Act, a monthly maintenance allowance is paid to one non-working parent who is raising a disabled child between 3 and 18 years of age, or who is raising a person disabled since childhood, for each disabled child of such age or person disabled since childhood (arts. 7 and 8). In 1998, such maintenance allowance was paid to 318 non-working parents who were raising a disabled child up to one year of age and to 106 non-working parents who were raising a disabled child aged between 2 and 3 years.

461. Since 1 January 2000, social benefits payable to persons who raise disabled children pursuant to the Child Benefits Act are replaced by the benefits provided in the Social Benefits of Disabled Persons Act.

462. The State Pension Insurance Act

- provides that a mother, father, guardian or caregiver who has raised a disabled child or a child disabled from childhood for at least eight years, as well as persons suffering from pituitary dwarfism, have the right to receive an old-age pension under favourable conditions;

- provides that disabled persons have the right to receive a survivor's pension;

- stipulates that years of pensionable service also include time during which a person cares for a category I disabled person, a disabled child, or a person under 18 years of age who has been disabled since childhood (arts. 9, 13, 18).

463. The Social Welfare Act regulates the provision of social services, social benefits and other assistance. In the practical organization of social welfare the key role is played by rural and city municipal governments. Social services, social benefits and other assistance are granted with the consent of the recipient.

464. By law, social services are:

- counselling;
- provision of prosthetic, orthopaedic and other appliances;
- domestic services;
- housing services;
- foster care;
- care and rehabilitation in social welfare institutions (art. 10).

465. In principle, all services may also be provided to families with disabled children. They are most often provided social counselling services, prostheses, orthopaedic and other means, and care and rehabilitation in welfare establishments.

466. In order to provide disabled persons with equal opportunities with other persons, active participation in community life and an independent ability to cope, rural municipality governments and city governments:

- establish opportunities to reduce or remove restrictions caused by the disability by treatment, rehabilitation, education and translation services;
- establish, in cooperation with competent State authorities, opportunities for vocational training which would raise the ability of disabled persons to compete in the job market;
- adapt employment positions and establish occupational centres, in cooperation with competent State authorities;
- organize transportation for the disabled;
- guarantee access to public buildings for disabled persons;
- appoint a support person or personal assistant, if necessary;
- arrange for guardianship or establish curatorship (art. 26).

467. Rural municipality governments or city governments may provide other social services (art. 21).

Information about children's rights

468. For the purpose of explaining their rights to children and young people, a number of publications have been published and distributed on the Convention on the Rights of the Child and its implementation mechanism. Child protection organizations (Estonian office of UNICEF, Child Welfare Union, Children's Fund) have organized campaigns to raise public awareness of children's rights, particularly targeted at the children themselves. Workshops, lectures and round table discussions on children's rights issues are held in schools and children's establishments. Media channels provide coverage on issues of child abuse, involving children and young people.

International cooperation

469. The Ministry of Social Affairs participates in the following cooperation projects:

(a) EU Phare:

- "Support to social care in the communities" (ES 9503.001 (SC)); cost: 600,000 ecus; duration: 1996-1998; activities: training on provision of statistical data;
- "Social protection of persons with disabilities" (Phare Consensus No. ZZ-9505-01-21); cost: 116,000 ecus; duration: 1997-1998;
- "Strengthening the Ministry's capacity in policy for and financial management of social care and welfare in a pre-accession context" (98-5077.00); cost: 170,000 euros; duration: 1998-1999;
- "Prevention of social exclusion of disabled people" (Phare Consensus No. ZZ-9710-0052); cost: 109,840 euros; duration: 1998-1999;
- "Conference on the issues involved in establishing private social welfare issues" (Phare Consensus No. ZZ-9710-0003); cost: 49,966 euros; duration: 1998-1999;

(b) Sweden:

- "Competence development for persons working with children with physical, mental and social handicap at institutions and the welfare system in Valga and Võru County"; cost: SEK 1.1 million; duration: 1 year;

(c) Denmark:

- "Cooperation programme between the Estonian Ministry of Social Affairs and the Danish Ministry of Social Affairs on social sector 1996"; cost: DKK 9 million; duration: 1996-1999; activities: training of specialists in social sphere, publication of the Social Work journal, preparation of an overview on drug abuse among youngsters in Tallinn and Narva;

- "Cooperation programme between the Estonian Ministry of Social Affairs and the Danish Ministry of Social Affairs on social sector 1998"; activities: activities for supporting children, young people, people with physical and mental disabilities, drug and alcohol dependants, prostitutes, homeless, sick and elderly people;

- "Cooperation project between the Estonian Ministry of Social Affairs, the Danish Ministry of Labour and the Polish Ministry of Labour on labour policy in the Baltic Sea Region: Training of personnel of activity centres"; cost: DKK 700,000; the project was launched in March 1999.

Article 11

Living standard

470. People's income level fell sharply as a result of hyperinflation at the beginning of the 1990s. Families attempted to offset the fall in wages and other forms of permanent income with various temporary sources of income, such as the sale of foreign currency and personal assets, as well as by consuming and selling home-grown agricultural produce. The situation changed radically when Estonia introduced its national currency in 1992, although in the first years after the currency reform the average consumption habits of people changed only slightly. In 1993 and 1994 inflation rates were very high, 90 per cent and 48 per cent respectively. In recent years, inflation has fallen from 11 per cent in 1997 to 8 per cent in 1998 (see table 21).

471. In 1992-1993 the purchasing power of wages equalled only 38-39 per cent of the level in 1989. Since 1994, the purchasing power of wages began to be restored.

472. Pension growth exceeded consumer price index growth in 1995.

473. Due to various factors and the decrease of inflation, the purchasing power of households has only increased within the past two years.

Table 21. Economic and social indicators

	1993	1994	1995	1996	1997	1998	Change 1993-1998 (%)
Monthly gross average wage, EK	1 066	1 734	2 375	2 985	3 573	4 021	384.6
Average old-age pension, EK	318	455	670	953	1 110	1 247	392.1
Average disability pension	281	362	536	706	797	902	321.0
Average disposable income of household number EK[a]	635	924	1 157	1 414	1 630	1 889	297.5
Consumer price index (compared to previous year, %)	190	148	129	123	111	108	290.0
Unemployment rate (percentage of unemployed in workforce), %[b]	6.5	7.6	9.7	10	9.7	9.9	147.7
Registered unemployment (percentage of registered unemployed and working age population), %[c]	2.1	1.9	1.8	2.2	2.3	2.2	104.8
Distribution of income[a]							
- income of 40% of households with lowest income of all income, %	16.8	16.4	16.9	19.3	23.6	22.9	
- ratio between income of households in lowest and highest income quintile (20%)	7.4	7.8	7.7	6.3	5.6	5.4	
Gross domestic product per capita (PPP, US$)	3 803	3 842	4 138	4 431	5 240		
Currency exchange rate (EK per US$)	13.23	12.97	11.47	12.03	13.9	14.1	

Source: Statistical Office.

[a] Data from Labour Force Surveys (until 1995 by AS EMOR, since 1996 by Statistical Office of Estonia).

[b] Based on Labour Force Surveys unemployment is defined by ILO methods, 1998.

[c] Number of persons who are registered as unemployed under the Social Protection of the Unemployed Act.

474. Significant changes in the consumption structure have taken place during this period. As the purchasing power of income increased, the growth in the prices of various products and services varied considerably. The biggest factor influencing consumption habits has been the rise in dwelling costs (during the Soviet time, housing costs were at a minimum level). This is understandable, since housing costs play a major role in household expenditures (see table 22).

Table 22. Change of consumer price index by product groups and structure of expenditure

	Consumer price index		Spending structure	
	Dec. 1993 June 1992 = 100	Dec. 1998 Dec. 1993 = 100	1993	1998
Total	260	251	100	100
food	236	175	40.6	37.5
clothing, footwear	234	207	8.1	7.4
dwelling	300	374	15.8	18.0
housekeeping	168	179		
healthcare, education	772	197	2.5	3.0
transport, communications	231	300	9.3	6.5
leisure time	484	313	5.0	7.2

Source: Statistical Office, Monthly Bulletin No. 12, 1998 and calculations made on the basis of the household survey (contain some structural changes).

475. Due to high dwelling and food costs (the latter are falling as the growth in food prices has stabilized), the opportunities for consumption of durable goods and services have been limited. In 1998 56 per cent of the expenses of an average family went for housing and food. In the families with the highest income (10th income decile), these costs accounted for 41 per cent of all expenses. Clothing and footwear represented an average of 7 per cent of total costs, while for pensioners the respective figure was only 3 per cent.

476. Estonia has not established an absolute poverty line.

477. One poverty line is the subsistence level established by the Government of the Republic. At present, the subsistence level of a person living alone is EK 500. This is the amount that the State guarantees to low-income individuals and families after they have paid their housing costs (standard floor area). Therefore, the actual subsistence line is higher than EK 500. In 1998 the average benefit for housing was EK 335 per month per person.

478. In 1998 approximately 10 per cent of families received subsistence benefits. Approximately 39 per cent of paid benefits were used to pay for housing costs. Subsistence benefit has been paid mainly to families with children, the unemployed and pensioners. Local governments may support needy families additionally from local budgets.

479. The second line is the estimated subsistence minimum that is calculated by the Statistical Office on the basis of household survey data. It contains the minimum cost of food (2,400 kcal per day) and the cost of primary goods and services. In 1998 the average subsistence minimum per month was EK 1,171 per person. The estimated subsistence minimum is the basis for establishing various benefits and the minimum wage, although neither of them is directly indexed to the living minimum. The disposable monthly income per household member of approximately 22 per cent of households or 27 per cent of inhabitants (mainly families with many children, the unemployed or single parent families) is lower than the estimated subsistence minimum.

480. The poverty line may be set at 80 per cent of the estimated subsistence minimum (approximately EK 1,000 per unit of consumption).

481. The income of approximately 18 per cent of families who are below the poverty limit (families belonging in the 1st and 2nd income deciles) only covers minimum food, housing and clothing costs.

482. These families usually have no breadwinner or have a large number of non-working household members. For families belonging to the 1st and 2nd income deciles, income from paid work is less than 50 per cent of income; pensions, benefits and allowances make up the rest.

483. The following families are at a special risk of impoverishment:

- families with many children;
- single parent families;
- families with an unemployed family member;
- families with a disabled family member;
- families whose employed members have a low education level;
- rural families, including families whose head is a farmer;
- families living in south-east or north-east Estonia.

484. In 1997, according to income level (less than EK 1,000 per consumption unit based on the following consumption coefficients: 1.0 per first member, 0.8 for every other member), the composition of poor households was:

- 65 per cent with two or more unemployed persons;
- 46 per cent of families with one unemployed member;
- 42 per cent of families with three and more children;
- 37 per cent of single parent families with children.

485. Young families in which the mother stays at home to take care of a child also face a relatively high poverty risk. In 31 per cent of young families (parents are younger than 35 years of age and have at least one child), the income level was below the poverty limit. In January 2000 the system of child-care benefits will be changed. The benefits will be granted to a wider circle of recipients and also the benefit will be raised.

486. The majority of pensioners have incomes which are near the poverty line, although only 12 per cent of pensioners were considered poor in 1997. High compulsory costs (food and housing) force pensioners to live a fairly monotonous life. This is partly attributable to their often relatively high housing costs resulting from large floor space (a spouse dies, families of children live separately). At the same time there are also cases where pensioners support their children or grandchildren who have no income (mainly because of unemployment). Assisting family members who live elsewhere is thus one of the main reasons why pensioners spend so much money on food.

487. In spite of their relatively complicated material situations, more elderly people are seeking opportunities to participate in self-help, contributing to the diversification of their daily lives. Day-care centres play an important role in these activities, as well as organizations for the elderly, various societies, associations and hobby groups.

488. Families who live in rural areas are more likely to be impoverished because of the recession in the agriculture sector (prices of agricultural produce are low and do not cover costs, lack of import duties, cheap imports, marketing problems) and the lack of employment. The gap between the incomes of rural and urban families is increasing. In 1996, the average income of a rural household per household member was 76 per cent of that of an urban household, falling to 71 per cent in 1998. Incomes of urban households increased 36 per cent in two years, while the rise in the countryside was only 27 per cent.

489. Regionally, the lowest incomes were recorded in the agricultural sector in south-east Estonia. This region also has a high level of unemployment. This situation is similar to that of north-east Estonia where there is high unemployment among industrial workers.

490. At the lower income levels, the risk of losing one's job or long-term employment is also related to a low level of education (including lack of vocational education).

491. In recent years, the situation of pensioners has improved slightly (the average pension increased approximately 36 per cent in 1997-1999). At the same time the situation of the rural population has worsened. As with other poor families, their situation in comparison with average families has remained more or less the same.

492. According to the Human Development Report 1999, the Estonian Human Development Index was 0.773 (calculated on 1997 data).

493. The following national social political measures have helped to reduce the extent and intensity of poverty:

(a) With the consent of social partners, the Government has established a minimum wage of EK 1,250 from 1 January 1999. Employers are required to pay their full-time employees wages at least the minimum wage level;

(b) Estonia has proportional income tax. The income tax-free amount of annual income is EK 6,000.

(c) Since 1998, child benefits paid from the State budget have increased. The maintenance benefit of a parent who raises a child of up to 3 years of age at home, childbirth allowance and school benefit increased the most;

(d) In 1999 an additional EK 30 million were allocated from the State budget for the assistance funds of rural and municipal governments for school benefit for children;

(e) The main change of payment of state-funded maintenance benefits was the raising of the subsistence limit in 1998 to EK 500; the coefficient of the second and other family members was increased from 0.7 to 0.8 in 1999;

(f) Certain population groups receive other social benefits (compensation of transport costs for disabled persons, benefit of electronic communication services to risk groups, benefit to those who suffered from the Chernobyl nuclear accident, etc.);

(g) On 1 January 1999 unemployment benefit was established at EK 400;

(h) Regional programmes supporting the development of the less-developed regions are funded from the State budget (as to social security, see the section under article 9 of the Covenant).

Cooperation projects with the Ministry of Social Affairs

494. The UNDP project "Elaboration of a national strategy for poverty alleviation in Estonia" (EST/97/551/G51), cost: US$ 97,500, duration: 1997-1999, has as its objective: to develop a method for determining the poverty line.

Right to healthy food

495. The production and supervision of healthy food and consumers' rights are regulated by a number of laws (Food Act, Consumer Protection Act, Public Health Act, Water Act, Packaging Act). In accordance with other legal acts, the main purpose of the Food Act is to ensure that food is of high quality, internationally competitive and safe for human health and to guarantee the functioning of a uniform food inspection and supervisory system on the territory of Estonia. This act provides the basis for the handling of food and raw material for food for marketing purposes, the self-monitoring of food business operators, and State supervision in order to ensure food safety and the conformity of food with other requirements.

496. Other legal acts regulate the standards for infant's and children's food, food developed ecologically and biodynamically, special food, and the handling of drinking water. Separate legal acts regulate the handling of certain food groups.

497. The supervision of food is conducted by the Veterinary and Food Inspectorate, the Health Protection Inspectorate and the Consumer Protection Board.

498. The new Food Act was adopted on 25 February 1999. The majority of the Act's provisions entered into force on 1 January 2000 while others will take effect on 1 July 2000 and 1 January 2002. The new Act contains more provisions delegating authority to harmonize the Estonian legislation with the requirements of EU directives and national requirements on marketable raw food and food handling.

499. Drafts of general regulations on food hygiene, amendments to the procedure for labelling packaged food, legal acts concerning materials which are permitted to be exposed to food, general requirements for flavours and scents which are permitted in the handling of food, purity criteria and methods of analysing additives permitted to be used in handling food, and a legal act on breast milk substitutes are being prepared.

500. An analysis of the living standard of the population, including food costs, is mainly based on the Statistical Office Survey of Household Income and Expenditure. In 1998 the United Nations Development Programme financed a project entitled "Poverty alleviation in Estonia" that studied the food costs of the population.

501. In 1998, households spent an average of 37.5 per cent of their household expenditure on food. As a result of the stabilization of food prices (food prices increased only 0.5 per cent in 1998) and, in some cases, the lower price of food, the share of food costs in total household expenditure is decreasing.

502. In low-income families, home-grown produce is often a substantial portion of their food intake. In the first and second income deciles, home-grown produce made up approximately 22 per cent of the total cost of food (the respective figure for families with three and more children was 25 per cent, and for families of a pensioner, 21 per cent), at the same time, it was 10 per cent in the tenth decile. In the regions with highest level of unemployment and lowest incomes, home-grown food makes up 25 to 30 per cent of total food.

503. At the same time, the importance of home-grown produce in household subsistence has fallen since the beginning of the 1990s (the share of home-grown or free produce in the total monetary value of consumed food has fallen from 25 per cent to 17 per cent for an average family). In the first and second income deciles, food makes up 71 per cent and 85 per cent of the minimum cost, respectively.

504. In 1997, approximately 40 per cent of all households spent more than 50 per cent of their total expenditure on food (considering the above consumption coefficients), including 56 per cent of households of pensioners and disabled persons, 53 per cent of unemployed, and 41 per cent of families with three and more children.

505. There are no official statistical data on starvation or malnutrition. According to national health statistics, approximately 200 children and 200 adults are diagnosed as malnourished every year, based on persons hospitalized in recent years. No territorial region is highlighted. In many cases obesity is actually a more significant problem than malnutrition.

506. No statistics are being collected on gender-specific nutrition. Analysis of the household survey shows that the difference between men and women depends on the composition of household since single parents are usually women.

507. The nutritional value of food consumed by various population groups has improved, according to the Household Survey, in comparison with 1993-1995. In five years, important changes have taken place in the nutritional habits of people and the importance of poultry and vegetable oil has increased. The increase of the quantity of potatoes purchased is attributable to the reduction in own-grown production.

Table 23. Average purchased quantity of basic foodstuffs per month per person (by the Household Survey)

	1993	1998	Change %
Milk, l	5.08	4.75	93.5
Sour cream, kg	0.47	0.55	117.0
Buttermilk, l	0.31	0.15	48.4
Cheese; kg	0.29	0.28	96.6
Pork, kg	0.61	0.60	98.4
Poultry, kg	0.18	0.49	272.2
Frankfurters, kg	0.30	0.47	156.7
Fresh fish, kg	0.84	0.68	81.0
Butter, kg	0.39	0.15	38.5
Margarine, kg	0.25	0.43	172.0
Vegetable oil, l	0.28	0.61	217.9
Eggs, pcs	11.00	10.66	96.9
Potatoes, kg	2.15	3.34	155.3
Dark bread, kg	3.27	2.91	89.0
White bread, kg	2.14	1.99	93.0
Sugar, kg	1.62	2.01	124.1

508. For improving the availability of food, the following measures have been implemented:

- the cost of school meals of children coming from poorer families is partly or fully covered by local governments; in certain rural schools all children are served free meals;

- soup kitchens operate for poor and homeless people;

- elderly and disabled persons who cannot move without assistance are assisted by social workers who buy them food with their money or provide them with free meals.

509. Diabetics and other persons who need special diets are provided with the necessary foodstuffs produced in Estonia or imported.

510. Nutritional and health education training has been provided in the framework of health promotion projects that have been funded by the health insurance budget since 1995. The national health programme for children and young people that was began in 1996 will be completed in 2005. School Meal, a subproject of the national project, deals with the quality of food and nutritional training at school.

511. The Baltic Food Survey was conducted in 1997.

512. The legal basis for agricultural reform was the Agricultural Reform Act, adopted on 12 March 1992. Pursuant to the Basis of Property Reform Act of 1991 the new Act established the processes for payment of compensation for cooperative property in the agricultural sector and the reorganization or liquidation of cooperative farms. The Act does not deal with land issues, which are regulated by the Land Reform Act.

513. The transition to a farm economy and other form of enterprise based on private property was implemented during the agricultural reform. The reform plan varied by content and quality but affected nearly all cooperative farms. Local governments were made responsible for administering the agricultural reform while State representatives supervised the process.

514. In order to increase the rate of the agricultural reform, the Agricultural Reform Act was amended on 12 June 1996. According to the amended act, cooperative farms that had not completed the agricultural reform by 1 December 1996 were to be liquidated by the county governor by 1 February 1997. Today, the agricultural reform is nearly complete.

515. In 1994 the Estonian Parliament adopted the basic principles for drafting legislation concerning rural life and economy:

- the population is provided the basic foodstuffs produced in Estonia; strategic food reserves will be set up;

- agricultural production is based on cooperation between the farm economy and private ownership; rapid completion of the land and property reform is vital for developing rural life;

- for preserving the habitation of rural areas and for ensuring the development of the rural life and economy, regional policy adapted to regional differences is being implemented and assistance is being provided to local governments in developing social infrastructure;

- stable agricultural production and optimum consumption prices of food are encouraged by the organization of the agricultural produce market, including the regulation of the import and export of food and a credit policy supporting rural economy.

516. Only importers who have a State activity licence granted by the Government of Estonia may import food into Estonia. The quantity of imported food as well as food supplements and additives must comply with quality and safety requirements established in Estonia.

517. Goods produced for export must comply with the requirements laid down in the Food Act and legal acts adopted on the basis thereof, provided that the requirements of the importing country or respective purchase and sale agreements do not provide otherwise.

518. Food is imported and exported only through the border points designated by the State.

519. In order to raise the quality of domestic food and promote exports, food standards are being developed and harmonized with international standards (Codex Alimentarius).

520. An EU Phare project, "Assistance to the Estonian dairy industry to accelerate integration to the EU", is being conducted in the Ministry of Agriculture. The objective of the project is to create conditions in the Estonian dairy industry so that Estonia's main export articles (butter, milk powder and cheese) comply with the EU hygiene requirements.

Right to housing

521. The definitions of "apartment ownership" and "apartment owner" are provided in the Apartment Property Act, pursuant to which an apartment may be owned by the State, local government, a natural person, a legal person in private law, or a public entity referred to in the Act. Apartment owners have the right to carry out all transactions involving real estate pursuant to the Property Law Act.

522. The Housing Act regulates the relations that arise in the renting and use of residential premises and forms the basis for other normative acts that regulate housing relations. This subject is also regulated by the Residential Premises Privatization Act and the Housing Associations Act.

523. Pursuant to the Social Welfare Act, local government authorities are required to provide housing for persons or families who are unable or incapable of securing housing for themselves or their families and to create, if necessary, the opportunity to lease social housing or to use a shelter. The procedure for the provision and use of social housing shall be established by the rural municipality council or city council. Persons who have difficulties moving about, caring for themselves or communicating in a dwelling shall be assisted by the rural municipality government or city government in adapting their dwelling or in obtaining a more suitable dwelling.

524. The rights and obligations of an owner are enshrined following legislation as follows:

- Everyone has the right to freely possess, use and dispose of his or her property, restrictions on this principle shall be laid down in law (article 32 of the Constitution);

- The owner shall guarantee the maintenance of housing in his or her ownership pursuant to law and other legal acts (article 6 of the Housing Act);

- The owner of a structure is required to ensure the maintenance and safety of the structure in his or her ownership and the plot adjacent thereto (article 59 of the Planning and Building Act).

525. Article 32 of the Constitution states that the property of every person is inviolable and equally protected. Property may be expropriated without the consent of the owner only in the public interest, in the cases and pursuant to procedure provided by law, and for fair and immediate compensation. Everyone whose property is expropriated without his or her consent has the right of recourse to the courts and to contest the expropriation, the compensation, or the amount thereof.

526. The Land Reform Act lays down the basis for restructuring land relations. In the course of the land reform, relations based on State land ownership are mainly transferred to the owner based on private ownership of land. Land that was illegally confiscated is returned to its rightful owners or their successors or is compensated for; land is provided for a payment or free of charge to the ownership of a private person, a legal entity in public law or a local government, and the land to be left in State ownership is determined.

527. For more efficient use of real estate and economy in dispersed settlement, a local government carries out land organization activities following the conditions and procedures provided by the Land Activities Organization Act. Land organization activities include the replotting, exchange or division of real estate, clarification of restrictions on real estate and determination of the boundaries of real estate.

528. The land tax rate is determined by regular assessments. A regular assessment is conducted periodically once every three to four years on the basis and procedures provided in the Land Evaluation Act. In the evaluation, the land is divided into pricing zones. A pricing zone is an area with similar value level and value formation mechanism.

529. Real estate may be transferred in a forced manner without the consent of the owner in the public interest and for a fair and imminent compensation. Forced transfer is permitted only to achieve the purposes referred to in the Forced Transfer of Real Estate Act. If the purpose of forced transfer can be attained by some other means, forced transfer is prohibited. The payment for forced transfer must cover the value of the real estate and the value of the inherent areas and crops that form a part of the forced transfer. It also must cover the costs that the owner of the real estate incurs as a result of the forced transfer. A person who receives a forced transfer or acquires real estate in forced transfer (State or local government) must also pay compensation to the affected persons in the form of forced transfer damages (owners of property rights to real estate subjected to forced transfer).

530. The purpose of the Planning and Building Act is to ensure conditions which take into account the interests of the widest possible range of society's members for the transformation of the environment, its long-term sustainable development, the use of land and the interrelation of socio-economic and physical planning.

531. According to the Statistical Office, the residential stock of Estonia has 622,000 residential units with a total floor area of approximately 32.4 million square metres, of which approximately 70 per cent is in urban areas. This stock can be tentatively divided into three main groups by type of residential buildings:

- apartment buildings of 5 to 16 storeys high that are an average of 10 to 35 years old: 35 per cent of the housing stock;

- apartment buildings of 1 to 4 storeys that are an average of more than 30 years old: 30 per cent;

- small housing (private houses, farmhouses) that are an average of more than 50 years old: 35 per cent.

532. The dominating form of residence is the apartment. Apartments make up 75 per cent of the total floor area of residential premises.

533. The majority of technical infrastructure and communications systems of the housing stock do not comply with modern requirements. In addition, the internal systems of some of the buildings need replacement. The transfer to electric heating and water systems, as well as a growing use of electric domestic appliances, requires the rebuilding of a substantial portion of the electronic networks.

534. The results of a study on living conditions of families conducted in 1994 are provided in table 24. Since this study included only 4,500 families, it paints a different picture than the above division based on types of residential premises. Because construction activities have remained modest, the situation described in the study has changed very little in the course of four years. The number of residential premises increased 0.8 per cent in four years. As a result of a fall in the number of residents, the number of residential premises per 1,000 persons increased 3.6 per cent.

Table 24. Housing conditions in 1994

Average		Including			
		Urban	Rural	Estonians	Non-Estonians
1. Type of housing %					
individual house, farmhouse, rowhouse	27	14	55	37	7
apartment building	71	84	44	61	91
hostel	2	2	1	2	2
2. Average number of rooms per one family member	1.2	1.1	1.3	1.2	1.1
3. General floor area per one family member (sq m)	32.3	27	44	37	23
4. Amenities %					
WC	76	87	53	68	91
Bathroom or shower	71	81	50	63	88
Sauna	19	10	40	27	5
Sewage	83	92	64	77	94
Central heating	67	78	42	56	87
Gas stove	53	54	51	49	61
Electric stove	44	44	45	47	38
Hot water	55	65	33	46	73
Telephone[a]	55	60	44	55	55
5. Distance to the nearest food store %					
up to 1 km	89	99	68	85	98
1-3 km	8	1	23	11	2
more than 3 km	3	...	9	4	...
6. Distance to the nearest basic school					
up to 1 km	70	86	36	63	83
1-3 km	16	12	23	18	12
more than 3 km	14	2	41	19	5
7. Distance to the nearest policlinic, medical care %					
up to 1 km	54	61	38	49	62
1-3 km	25	30	15	25	26
more than 3 km	21	9	47	26	12
8. Distance to the nearest public transport %					
up to 1 km	91	96	79	89	94
1-3 km	8	4	18	10	6
more than 3 km	1	...	3	1	...

Source: Living Conditions Survey.

[a] In comparison with 1994 the percentage of apartments with telephones has increased notably (32 per cent in four years in addition to the rapid increase in the number of mobile telephones).

535. Non-Estonians who began to live in Estonia during the Soviet time mainly live in towns in the multi-apartment buildings that were built specifically to house the new labour force. Most of these apartments have the necessary living amenities. Since these residential buildings are usually located in towns, they also have good access to service companies and public transport. The average living condition in Estonia is influenced by the rural population and the number of small private houses characterized by a larger floor space, but fewer amenities and greater distances to service companies.

536. Based on a comparison of the size of residential space, living conditions were notably better for single pensioners, married pensioners and single persons who had on average 2.15 rooms, 1.5 rooms and 2 rooms per person respectively (general floor area 67, 35 and 60 square metres). In a family of four (two adults and two children), there were on average 0.8 rooms per person and 18 square metres of total floor area. Because pensioners, as a rule, live in the countryside or in older houses in towns, they have fewer amenities.

537. There are a limited number of single farmhouses that have no electricity. In the countryside, approximately 7 per cent of families live more than 10 kilometres from the closest basic school, 11 per cent from a policlinic and medical care, and 3 per cent from a station of public transport. According to the survey, noise disturbed the domestic life of around 57 per cent of residents (especially in East Virumaa, Tallinn and its environs), road dust and car pollution disturbed 54 per cent of residents, and 29 per cent were disturbed by industrial smoke, soot or unpleasant odour.

538. According to a family survey of disabled persons that was conducted in 1996, 63.5 per cent of disabled persons live in apartments, 18.6 per cent live in farmhouses and 14.2 per cent live in individual houses or rowhouses. Only around 1 per cent of disabled persons have less than 5 square metres per person while 20 per cent of families have around 10 square metres per person and 20 per cent have more than 25 square metres per person.

539. According to this family survey, more than half of the families of disabled persons who live in farmhouses (9.6 per cent of the selection) live without an in-house water supply system and a sewage system. More than 20 per cent of houses of disabled persons are less than 5 kilometres from the nearest doctor, 44.4 per cent of the respondents do not have a telephone, and the average distance to the nearest telephone is 800 metres. According to the data, 25 per cent of persons with group 1 disability do not have living conditions that comply with special needs of the disability. The respective figures for group 2 disability are 18 per cent, and 16 per cent for group 3 disability.

540. Local governments have attempted to improve the living conditions of disabled persons according to their possibilities, as well as through various projects. A random follow-up study conducted in 1998 showed that the situation was improving, albeit slowly.

541. The level of subsistence of elderly persons depends on their location and type of housing. Subsistence difficulties are the greatest in towns and former farming centres because of high housing-related costs (central heating, water, sewage, waste transportation), while elderly people

who live in the countryside in their own housing lack the amenities, but are able to save money on the lack thereof. The elderly who live in apartments are forced to spend as little as possible on food, pharmaceuticals and other items in order to pay a high rent. The rental problem is also significant for those persons who have remained alone in 2- or 3 room apartments and are unable to exchange them for a smaller apartment. In spite of all of these difficulties, the elderly tend to live in their homes whenever possible, although the number of cases in which the elderly are placed in social apartments is increasing.

542. There are no official statistics on homelessness. Homeless people are generally persons who have no personal identification documents required by legalization, who are discarded by their families because of alcohol abuse, who have not been able to find their place in life after being freed from prison, etc. Local governments and third-sector organizations have opened night shelters for the homeless and shelters (crisis homes) in larger towns.

543. Responses to the questionnaire that the Ministry of Social Affairs sent to counties in 1997 indicated that the counties were able to house approximately 300 homeless persons in 35 facilities. Some of these were facilities that had not been used for housing homeless persons before. In 1997, approximately 1,000 homeless persons stayed in these facilities.

544. If the homeless cannot be placed in special facilities, they can stay in shelters. According to recent statistics, there were 214 beds in 14 shelters in 1998 which were used by approximately 1,700 persons during the year, of whom 78 per cent were minors. Minors are placed or stay in shelters because of the difficult financial situation of their families, neglect at home, loitering, family violence or lack of housing, whereas for adults the last is the main cause.

545. In five years (1994-1998) a total of 2,900 court rulings on eviction have been put into effect, and most of these did not provide for replacement housing. The majority of these court rulings concern persons who owe rent to municipal apartments owners or to an owner of residential houses that have been restituted. There are several reasons for not privatizing apartments, including rent liability and the negligence of the tenant. Persons with special needs (disabled persons, elderly) are provided with social housing, but eviction also causes homelessness for some.

546. Although local governments register applicants who wish to live in apartments, no national data are available on this issue. Local governments provide persons who are victims of disasters such as fires with temporary housing.

547. In connection with the privatization of housing, important changes have also taken place in terms of housing ownership. In comparison with 1 January 1995, the percentage of private housing had more than doubled by the beginning of 1998, going from 44 per cent to 90 per cent. Only 10 per cent of the housing stock is owned by the State or local government.

548. In the more than 5,000 residential houses that were restituted there are approximately 22,500 tenant families.

549. Local governments have built houses for older people and social apartments for the elderly, disabled persons who cannot cope on their own (they live far from service providers or have no modern amenities), or for persons whose living premises have been returned to its rightful owner, as well as for children from children's homes. Approximately 1,000 persons who pay for their own housing costs reside in those premises (they are assisted by a social worker, if necessary).

550. In its regulation No. 38 from 26 January 1999, the Government laid down the procedure for calculating rent. This procedure applies to all living premises that are rented in Estonia, irrespective of their form of ownership. The rent limit established by the local government council for living premises that are in municipal ownership and are located in the administrative territory of that local government is also the rent limit for other living premises in the same administrative territory, irrespective of their form of ownership (except for living premises built by natural or legal persons in private law which have been completed after 20 June 1991 or whose housing conditions the owner has notably improved during the renovation).

551. An application for eviction can be lodged when the liability for rent and other services and charges exceeds three months. In practice, before making a ruling extensive efforts are made to solve the problem by investigating the underlying causes of the situation and drawing up payment schedules, since free housing cannot be provided.

552. In 1997 housing costs accounted for more than 25 per cent of spending in 27 per cent of households, including 44 per cent of pensioners and 30 per cent of single-parent families.

553. Households who have high housing costs in comparison with their income, and who therefore have problems paying for their housing and maintaining the households, receive subsistence benefits. These benefits are paid on the basis of standard floor area. Since pensioners who live alone have limited opportunities to exchange their living premises for smaller ones, their benefits are calculated on a higher standard floor area (51 sq m).

554. Housing costs are mainly influenced by high standard costs of water, gas and heat consumption that are calculated either per resident or by floor area. In addition, the cost of these services has been increasing. As a result, more and more consumers are measuring their own consumption levels by installing the necessary metres. Assistance in installing metres for low-income residents has been provided by Estonian Gas Ltd. and local governments.

555. Requirements for living premises are approved pursuant to the Housing Act by the Government of the Republic Regulation No. 38 of 26 January 1999. A regulation issued by the Minister of Economic Affairs has laid down compulsory requirements for accommodation facilities.

556. Construction standards comply, as much as practicable, with EU Directive 89/106/EEC on construction products and documents Nos.1 to 6, category A, as well as the standards of the International Organization for Standardization (ISO) and the European Committee for Standardization (CEN).

557. Pursuant to the Planning and Building Act and normative acts established on the basis of it, rooms for public use in structures shall be accessible to and usable by persons with mobility disabilities and other disabled persons. The Social Welfare Act provides that rural municipality governments or city governments provide assistance in adapting dwellings as well as make available the necessary technical appliances.

558. Article 5 of the Housing Act provides that a person can be evicted from his/her residential premises or his or her rights to use his or her residential premises limited only on the basis of or as provided by the Housing Act.

559. The State or local government is required to provide the person who has been evicted by the court with living premises of equal value (or to pay financial compensation) if

- upon the restitution of the living premises to the rightful owner, the premises for which the tenant had a valid rent agreement during the restitution is necessary for the owner or members of his or her family;

- if the living premises of the tenants that are in State or municipal ownership are excluded from living premises in connection with reconstruction, physical weal or loss of living premises because of repair;

- demolition of living premises for State or municipal needs.

560. Without providing replacement housing, a person can be evicted by a court ruling if:

- he has failed to meet the obligations provided in a rent agreement or violated the terms of the rent agreement (has not paid rent, or apartment-related services and charges, or has damaged the premises, or does not use them according to its intended function, is guilty of disturbing the life of neighbours, etc.), as well as when the rent agreement was made for a fixed term and with the obligation to vacate the premises after the expiry of the term of agreement;

- a member of the housing association fails to pay contributions or management costs by the due date;

- the tenant, his or her family member, or a member of the housing association is guilty of cohabitation with other persons in the same apartment or house, or if he or she has been stripped of parental rights and his or her cohabitation with children in whose respect parental rights were voided is declared impossible; other members of the family are entitled to continue to use the living premises.

561. In the case that residential premises are demolished in connection with the forced transfer or the termination of title for State or municipal needs, the institution which applied for the demolition of residential premises pursuant to article 12 of the Housing Act will, in addition to compensating for the cost upon a request by the owner, provide the owner with other residential premise as provided by law and will compensate for the cost of relocation.

562. Tenants of restituted houses have been provided with loans at favourable terms for acquisition of housing, but they are very few in comparison with the number of people in need. Many of these persons are not granted a loan because of insufficient income, and yet the State and local governments do not have the means to build or buy housing for everyone.

563. Real estate speculation is prohibited both by civil and criminal order.

564. State planning guidelines are provided in Estonia 2010, a document which focuses on natural and environmental friendliness in planning settlements as the main principle for development. This area is regulated by the Planning and Building Act, the Ambient Air Protection Act and the Waste Act.

565. The Public Health Act lays down the basic requirements for the living environment and health protection. Subsection 4 (7) states that buildings, structures and means of transport must be designed and constructed so that, when used according to their indicated function, they preserve health and take into account the needs of persons with physical disabilities.

566. The Ministry of Social Affairs is currently drafting a regulation on requirements for nurseries. Regulations concerning children's establishments (pre-school establishments, schools, universities, children's camps) that lay down health protection requirements are also being drafted. The Public Health Act and the Radiation Act Amendment Act, which will be submitted to the Estonian Parliament shortly, lays down the basis for establishing regulations on non-ionizing radiation, noise and vibration.

567. In the housing economy development plan which was approved by the Government of the Republic, the State will play an important role in the near future in providing funds for:

- setting up a municipal housing stock in order to implement a planned solution to the problem of owners of restituted buildings and tenants;

- supporting the so-called third sector in housing to create conditions (loans, tax system) that motivate owners to repair the living premises at their disposal. The third sector is made up of non-profit organizations that unite various interest groups based on ownership relations (owners, tenants' associations) and professions (representatives of housing-related professions, building administrators, providers of maintenance services, etc.). The main activity of the third sector is to provide training to its members to ensure that they are able to operate independently in the housing sector and to solve various problems.

568. Long-term perspectives (until the year 2010) include housing construction programmes (building and renovation) that are based on the partnership of the State, local governments, various financial institutions, private companies operating on the real estate market and, in particular, non-governmental organizations in the housing sector, such as housing building societies. Local governments provide them either with vacant lots or buildings that need renovation, whereas local governments have the right to determine the basic criteria for the

selection of tenants, share of municipal apartments and the price level of apartments. Third-sector organizations or private businesses act as the initiators of these construction programmes while banks generally provide the funds for the projects. State budget funds could be used as targeted assistance to those programmes which best comply with the strategic action plans in the housing sector.

569. The priority in setting up the municipal housing stock is to repair and renovate the existing usable residential housing stock (rented housing, social apartments, social rehabilitation centres, shelters, and other forms of housing for poor and marginal social groups). The focus is on the measures permeating the whole housing sector that enable more cost-efficient uses of existing housing.

570. There are also plans to develop an information data bank on the needs of various applicants for housing, offer housing from the existing housing stock, provide favourable loans for housing purchase and supplement legislation on regulation of rental relations (around half of the tenants in restituted houses wish to remain tenants in private or municipal apartments.)

571. No direct sanctions will be imposed on landowners who do not use their land according to its purpose. Existing legislation (Land Reform Act, Land Activities Organisation Act, Land Appraisal Act, Land Cadastre Act, Land Tax Act) and implemented measures will be used to create opportunities and preconditions for a more efficient use of land through land improvement, land organization and State subsidies. Although around two thirds of agricultural land in Estonia is drained, thousands of hectares have not been functioning since their drainage does not meet the required efficiency. More than 50 per cent of the drainage systems were built 20-25 years ago and need renovation; without it 40 per cent of them could become obsolete in the near future. Deserting large amounts of agricultural land puts the fields at risk for weeds, and thus much greater pesticide use in the future.

572. Two pilot projects funded by the Dutch Royal Ministry of Economy are being conducted concerning the replotting of land (restituted land that is in various parts) and sewage.

573. Land irrigation projects are funded by the agricultural loan granted by the World Bank. Using funding from the FAO, a set of strategies for increasing the efficiency of water management were developed for irrigation and drainage projects. A total of 88 irrigation societies have been set up and experts on land use have been hired by individual counties. The land stock is being analysed on the basis of the need for land use. Opportunities for finding alternative use for land are also being considered.

574. The land tax rate is between 0.5 and 2 per cent of the taxation cost of land per year. Lower tax rates (0.3-1 per cent) are applied for arable land used for agricultural production and for natural grassland. Local governments have the right to exempt recipients of old-age or disability pension from payment of land tax for up to EK 200 (for up to 0.1 ha in towns and for 1 ha in rural municipalities).

575. The following funds have been allocated from the State budget in 1999 under administration by the Ministry of Agriculture:

- EK 265.5 million in subsidy to agricultural producers (grain harvesting, breeding of calves, dairy cattle breeding, sheep raising, small producers and cattle owners and young agricultural producers, insurance benefit for crops and cattle);
- EK 11.3 million in subsidy for cattle breeding;
- EK 1.9 million in subsidy to advisory services;
- EK 2.5 million in subsidy to savings and loans societies;
- approximately EK 60-70 million from the government reserve fund in compensation for motor fuel excise duty;
- EK 20 million in compensation for interest on long-term agricultural loans up to 9 percentage points.

576. From 1994-1998, EK 75 million were allocated from the State budget for providing housing loans to the following target groups: young families, young teachers, teachers in rural schools, and apartment and building societies for renovation work. Implementation of the measures necessary for setting up the municipal housing stock (renovation, remunicipalization, construction) will require up to EK 750 million from the State budget until the year 2001, enabling the establishment of 2,500 rental apartments. EK 103 million have been allocated from the 1999 state budget for enforcement of the Housing Act and another EK 20 million for the Estonian Housing Foundation, although it is less than the target amount outlined in the development plan.

577. Receipts from the privatization of State property are used through the Estonian Housing Foundation for re-locating tenants who live in premises that will be restituted; loans on favourable terms are granted to them, (the loan granted in money but repayment is made in privatization vouchers). A total of 1,226 loans have been granted to tenants in the amount of EK 200 million. Until 2003, approximately EK 750 million are required, or EK 150 million a year.

578. Half of the proceeds from the privatization of municipal property are put into the housing fund of the local government. This fund also receives money from the privatization of State housing and non-housing premises as well as from the sale of State-owned apartments (these amounts are very small, because there is very little municipal property and very few State apartments that could be privatized).

579. If possible, local governments have allocated from their budgets funds for building social housing and shelters, for solving the problem of "unwanted" tenants, and for covering other housing costs.

580. The Estonian regional policy is geared towards achieving a balanced development of the whole territory through strengthening local development opportunities and contributing to the economic and social development of the whole country.

581. The State supports regional development through subsidies and regional development programmes. All counties receive a transport subsidy and a shipping and air transport subsidy is granted for maritime access to populated islands.

582. The following regional development programmes are supported from the State budget:

- Ida-Viru Programme (industrial restructuring, problems of ethnic minorities);
- South-east Estonia programme (agricultural employment, development of marginal areas);
- Small Islands Programme (development of 11 populated islands, infrastructure of maritime transport and maritime education on the two largest islands);
- Programme of Monofunctional Settlements (support to the development of 34 settlements that have a single employer);
- Setomaa Programme (development of social infrastructure in four local governments in south-east Estonia, relocation of residents from historical Setumaa which is now part of the Russian Federation;
- Border Areas Programme (promotion of international cooperation through co-financing).

583. In the framework of the administrative reform, the State supports a unification of local governments (in 1999 EK 8 million were allocated for this purpose). Local governments are relatively independent, but some of them are very small and weak (24 local governments have fewer than 1,000 residents in their municipalities). The number of local governments should fall from the current 254 to 150.

584. A development plan for a town or a rural municipality (approved for the next two budgetary years) lays down the guidelines for the development of the local government, its territorial master plan and the basis for developing infrastructure.

585. As a result of the current situation between owners of housing and "unwanted" tenants, the demand for rental apartments has outpaced supply, especially in terms of municipal housing.

586. Local governments have limited possibilities to provide housing for low-income families, tenants living in restituted houses or for setting up social apartments (for reducing homelessness).

587. Residents have problems obtaining long-term loans; for the majority of families interest rates and self-financing requirements are too high.

588. Because of the number of residents in apartment houses built of prefabricated concrete elements and brick, the maintenance of these buildings is complicated (solvent and insolvent tenants live under the same roof). This has made the setting up and administration of apartment associations more difficult. Taking into account the technical condition of the buildings, the cost of their efficient renovation is too high for only tenants to pay (of whom most are owners of these apartments). The renovation of all apartment houses built of prefabricated concrete elements would cost between EK 11 billion and 25 billion. The renovation cost of brick houses would be between EK 9 billion and 22 billion, and EK 4-8 billion for all other types of houses.

589. Targeted funds and expert assistance in the framework of specific joint projects are required for setting up the municipal housing stock and for renovating residential buildings.

590. International assistance in the housing sector is provided for inter-ministerial projects and for local government-third sector cooperative projects. These projects primarily concern the exchange of information, provision of training, joint workshops on the issue of housing management, administration and repair, as well as on renovation, financing, promotion of apartment associations, production of specialized literature, pilot projects on energy saving and renovation, etc. Various foreign organizations have helped to renovate (build) children's homes, nursing homes for the elderly and homes for disabled persons.

591. So far there has not been a use for external funding, since many projects are carried out directly between cooperating partners. The Housing Development Plan focuses on promoting international cooperation with various organizations, and on informing the public of projects that are being implemented and agreements that have been reached. Information on international cooperation is also provided by the group of experts on the implementation of the Housing Development Plan.

Article 12

Public health

592. The number of diseases and first incidences diagnosed by health-care establishments and private physicians has been increasing.

593. Adults are most often hospitalized because of diseases of the circulatory system, followed by digestive diseases. Children are most often hospitalized because of respiratory diseases, followed by infectious and parasitic diseases. As a result of higher vaccination and the improved quality of vaccines, the incidence of children contracting measles and rubella has decreased.

594. Since 1992, the incidence of tuberculosis has increased.

595. Starting in 1990, some sexually transmitted diseases, such as syphilis, have increased. The incidence of gonorrhoea has fallen since 1994. The first HIV infection was diagnosed in Estonia in 1988 and the first AIDS patient in 1992.

596. Data on public health is regularly provided to the World Health Organization.

597. Estonian women live an average of 10 years longer than men (75.5 and 64.4 years, respectively, on the basis of 1998 data). The mortality rate for men is higher because of such causes of death as poisoning by alcohol, suicide, homicide and traffic accidents. In 1998 the mortality ratio of external causes of death of women and men was 0.25.

Table 25. Average life expectancy of Estonian males and females, 1988-1998

Year	Age of males				
	0	1	15	45	60
1988	66.6	66.5	53.2	26.1	15.3
1989	65.7	65.8	52.6	26.1	15.3
1990	64.6	64.5	51.2	25.2	14.8
1991	64.4	64.4	51.0	25.1	15.0
1992	63.5	63.6	50.3	24.7	14.6
1993	62.5	62.6	49.1	23.7	14.2
1994	61.1	61.1	47.5	23.0	14.1
1995	61.7	61.8	48.4	23.5	14.5
1996	64.5	64.3	50.7	24.5	14.8
1997	64.7	64.3	50.9	25.0	15.2
1998	64.6	64.0	50.5	24.4	14.8

Year	Age of females				
	0	1	15	45	60
1988	75.0	74.9	61.5	32.7	19.6
1989	74.7	74.6	61.1	32.6	19.7
1990	74.6	74.5	61.0	32.4	19.4
1991	74.8	74.6	61.0	32.4	19.6
1992	74.7	74.7	61.2	32.6	19.8
1993	73.8	73.9	60.4	32.0	19.3
1994	73.1	73.0	59.4	31.6	19.3
1995	74.3	74.3	60.7	32.5	19.9
1996	75.5	75.1	61.5	32.8	20.1
1997	76.0	75.8	62.0	33.3	20.6
1998	75.5	75.1	61.5	32.9	20.3

Source: Estonian Statistical Yearbook 1998.

598. Life expectancy is not calculated by socio-economic groups and place of residence.

Health-care policy

599. The Government approved the Estonian Health Policy in 1995.

600. Estonian health care is being reformed in a constant process: the health-care organization is constantly analysed and is a foundation for building a health-care model suitable for Estonia. Health care is regulated by the Health Insurance Act, Health Care Organization Act, Public Health Act and Medicinal Products Act. All these legal acts have been amended.

601. There are two main subsystems in the Estonian health-care system: health protection and medical care systems.

602. Under the health protection system, measures are implemented against health-hazardous environmental, living and working conditions and unhealthy living habits. The organization of health care is not only the responsibility of the State: working conditions are the responsibility of employers, environmental and living conditions are the responsibility of local governments and health living habits are the responsibility of families and a human being himself or herself.

603. Under medical care, physicians with higher medical education provide medical care aimed at protecting human health and improving the quality of life. A physician is allowed to work only within his or her qualifications. Medical care is provided on three levels of care: general medical care provided by local government, special medical care provided by local government, and special medical care provided by the State.

604. In the framework of primary care reform, Estonian medical care is undergoing a transformation to a family doctor system that is aimed at improving the health of the population by offering health-care services. The principles of the Estonian primary care reform are based on the principles of the Ljubljana Charter on reforming health care and on the European Family Doctor Charter. The Estonian primary care reform has been approved by the World Bank and WHO experts.

605. In 1991, Tartu University started to educate family doctors.

606. The Estonian Family Doctors Association was set up in 1991 In 1995 it was accepted to full membership of WONCA, the World Organisation of Family Doctors.

607. In 1997 the Minister of Social Affairs issued a regulation on the main principles of primary care reform, the job description of a family doctor and the financing procedure. According to these documents, the main principles of primary care in Estonia are:

- equitable access to medical care;
- health orientation for patients and their health problems;
- consistency, efficiency and quality of medical care;
- an integrated approach to health care.

608. Until now, the Statistical Office of Estonia has been responsible for accounting only for government expenditure on health care. In 1997, government expenditure on health care was 5.5 per cent of GDP which was mainly financed (94 per cent) from the health insurance funds. Health-care expenditure is growing constantly on account of the health insurance funds. In the previous year Ministry of Social Affairs started to work up the methodology and collect data on total health-care expenditure. The Organisation for Economic Cooperation and Development manual, "A system of health accounts for international data collection" was used as a basis of methodology.

Life and health of children

609. Perinatal mortality fell between 1992 and 1997. In 1992 the perinatal mortality coefficient was 19.5 per 1,000 births. By 1998 this number had fallen to 10.4. Such a fall is attributable to the reduction in the number of neonatal fatalities and stillbirths.

Table 26. Perinatal mortality

	1992	1993	1994	1995	1996	1997	1998
Weight at birth over 500 g							
Number of perinatal deaths	362	246	217	208	174	160	129
Incl. Boys	195	137	121	108	99	90	70
Girls	167	109	96	100	75	70	59
Perinatal death rate per 1 000 births	19.9	16.1	15.2	15.2	13.0	12.6	10.4
Incl. Boys	20.9	17.2	16.6	15.4	14.4	13.6	11.0
Girls	18.9	14.9	13.7	15.0	11.5	11.3	9.9
Number of stillbirths	175	121	124	101	102	108	92
Stillbirths per 1 000 births	9.6	7.9	8.7	7.4	7.6	8.5	7.4
Number of early neonatal deaths	187	125	93	107	72	52	37
Early neonatal mortality rate per 1 000 live births	10.4	8.2	6.6	7.9	5.4	4.1	3.0
Weight at birth over 1 000 g							
Number of perinatal deaths	285	201	168	143	128	122	93
Incl. Boys	152	110	93	73	74	68	53
Girls	133	91	75	70	54	54	40
Perinatal death rate per 1 000 births	15.9	13.3	11.9	10.6	9.6	9.7	7.6
Incl. Boys	16.6	14.0	12.9	10.5	10.9	10.4	8.4
Girls	15.2	12.6	10.8	10.6	8.4	8.9	6.7
Number of stillbirths	139	103	95	72	70	86	71
Stillbirths per 1 000 births (1 000 + g)	7.7	6.8	6.7	5.3	5.3	6.8	5.8
Number of early neonatal deaths	146	98	73	71	58	36	22
Early neonatal mortality rate per 1 000 live births (1 000 + g)	8.1	6.5	5.2	5.3	4.4	2.9	1.8

Source: Statistical Office.

610. Although perinatal mortality has fallen in all hospitals (to below 1,000 births a year), it is still higher in stage III hospitals than in stage II hospitals. This is attributable to the fact that stage III hospitals (Women's Clinic of the Tallinn Central Hospital, Maternity Block of the Tallinn Pelgulinna Hospital and the Tartu Women's Clinic) receive mainly high-risk pregnancies from service areas of other hospitals.

Table 27. Perinatal mortality rate per 1,000 births by type of hospital

	1992	1993	1994	1995	1996	1997
Stage III hospitals (1 000 or more births a year)	21.1	17.5	17.4	20.9	17.3	14.2
Stage II hospitals (500 to 999 births a year)	15.6	14.5	14.7	13.2	11.2	13.7
Stage I hospitals (less than 500 births a year)	22.3	12.7	11.9	7.3	8.0	9.0

Source: Estonian Medical Birth Register 1992-1998.

611. In 1997 perinatal mortality in the countryside was higher than in towns since specialized assistance in the countryside was less accessible than in urban areas.

Table 28. Perinatal mortality coefficient per 1,000 births by place of residence of the mother

	1992	1993	1994	1995	1996	1997
Estonia	19.5	15.6	15.0	15.0	13.1	12.7
Urban	19.1	16.0	16.0	15.5	13.3	11.2
Rural	21.0	14.7	13.3	14.9	12.4	14.9

Source: Estonian Medical Birth Register 1992-1998.

612. Perinatal mortality fell from 1992 to 1998. This was caused by both the fall in early neonatal mortality and stillbirths, although early neonatal mortality has fallen more than stillbirths. The perinatal mortality of boys (both early neonatal mortality and stillbirths) has been consistently higher than that of girls.

613. In 1992 Estonia adopted a new definition of live birth since the former definition differed from that recommended by WHO. Since 1992, live birth has been defined as a birth in which the pregnancy has lasted at least 22 weeks and the newborn weighs at least 500 grams and has at least one of the following vital signs: autonomous breathing, heart activity or muscle activity.

Table 29. Infant mortality 1988-1997

Year	Number of infants who were younger than one year old at time of death			Number of infants who were younger than one year of age at time of death per 1,000 live births		
	Total	Boys	Girls	Total	Boys	Girls
1988	312	175	137	12.5	13.7	11.1
1989	359	220	139	14.8	17.5	11.8
1990	276	166	110	12.4	14.4	10.2
1991	258	151	107	13.4	15.2	11.4
1992	285	162	123	15.8	17.5	14.0
1993	239	138	101	15.8	17.5	13.9
1994	205	116	89	14.5	16.0	12.8
1995	201	115	86	14.8	16.5	13.1
1996	138	85	53	10.4	12.4	8.2
1997	127	64	63	10.1	9.8	10.4
1998	114	63	51	9.3	9.9	8.6

Source: Statistical Office.

Table 30. Vaccination of one-year-old children in Estonia in 1998

	Number of registered children	Vaccinated	Permanent contraindication
Diphtheria and tetanus	12 144	10 730	24
Whooping cough	12 144	10 583	29
Measles	12 144	8 773	23
Polio	12 144	10 741	25
Tuberculosis	12 144	12 080	10

Source: Ministry of Social Affairs.

614. No records have been collected on immunization comparing rates in towns and rural municipalities, or comparing rates by gender.

615. Pursuant to article 2 of the Health Insurance Act, children younger than 18 years of age are considered to be equal with the insured. Thus, medical care provided under the valid Price List of Medical Services and Health Examinations and visits by a physician is free for them. Although all children (including disabled children) are considered equal with insured persons, the volume of medical care that is guaranteed for children with grave disabilities is insufficient, especially concerning examinations and rehabilitation.

616. The National Health Programme for children and young persons until 2005 was drafted and approved by the Government in 1996. The objective of the programme is to develop coordinated solutions between various institutions. The target group of the programme is students aged up to 21. In 1996, EK 1.57 million were allocated from the State budget for implementation. In 1997 and 1998, a total of EK 1,598,000 was allocated each year for implementation of the national programme. In 1998, a total of EK 3,890,500 was allocated from the State budget. The following sectoral projects are being implemented in the framework of the programme:

- school environment;
- school meals;
- mental health;
- school fatigue;
- school stress;
- accidents and injuries;
- leisure time;
- school health care;
- development activities.

617. The implementation of the State programme on reproductive health 2000-2009 began in 1999. One of the objectives of this programme is to achieve a permanent reduction in the perinatal morbidity, infant and maternal morbidity and mortality rates, building on the principle that good reproductive health is a foundation for the birth of wanted children.

Living environment

618. In average terms, the quality of drinking water consumed in Estonia has somewhat deteriorated in terms of its chemical indicators, while microbiological indicators have slightly improved. This is probably due to the improvement in the quality of laboratory tests.

619. The situation of central water supply sources is better than non-centralized water supply sources. Non-compliance of sources of water with health protection requirements is caused by the lack of sanitary protection areas and purification or disinfection equipment.

Table 31. Results of studying centralized and non-centralized water supply by the health protection agencies

Type of water supply	1995		1996		1997	
	Number of sites	Percentage of substandard sites (%)	Number of sites	Percentage of substandard sites (%)	Number of sites	Percentage of substandard sites (%)
Centralized water supply sources	1 994	8.3	1 732	10.0	1 819	12
Non-centralized water supply sources	2 251	36.8	2 401	31.4	2 633	24.9
Including wells with a curb	654	53.9	746	53.1	547	39.6
Artesian wells or wells with pumps	1 567	29.2	1 603	21.4	2 056	20.7
Spring	30	66.6	29	37.9	30	46.6

Source: Health Protection 1998.

Table 32. Results of a study of centralized and non-centralized water supply in towns and rural counties conducted by the health protection services

Towns and counties	Number of drinking water sources		Water does not comply with chemical req. (%)		Water does not comply with microbiological req.	
	Central	Non-central	Central	Non-central	Central	Non-central
Tallinn	101	10	15.8	60.0	2.9	50.0
Harjumaa	142	265	9.1	19.6	-	18.8
Ida-Virumaa	203	109	16.2	6.4	8.8	19.2
Tartu	230	151	3.9	6.6	-	3.3
Pärnu	44	240	47.7	15.0	-	1.6
Läänemaa	35	86	-	3.4	-	9.3
Hiiumaa	11	8	27.2	37.5	-	-
Jõgevamaa	80	62	43.7	19.3	15.0	3.3
Saaremaa	141	143	4.2	18.1	6.3	29.3
Järvamaa	81	78	2.4	30.7	3.7	32.0
Põlvamaa	177	40	4.5	25.0	-	45.0
Lääne-Virumaa	82	407	17.0	11.8	15.8	6.6
Raplamaa	65	294	13.8	1.3	3.0	10.2
Valgamaa	64	225	-	-	-	13.3
Viljandimaa	65	158	15.3	16.4	4.6	20.2
Võrumaa	188	34	2.6	8.8	1.0	26.4

Source: Health Protection 1997.

620. Until now, the main form of handling domestic waste in Estonia has been depositing waste in dumpsites. Waste is practically not sorted, burned or composted. Sorting and collection of domestic waste has developed more in larger towns where hazardous waste (lamps containing quicksilver, paint, varnish, solvents, car batteries, batteries, etc.) are collected separately. Containers for batteries and bottles have been set up and the collection of scrap paper and aluminium cans has been organized.

621. Estonia produced 14,686,700 tons of waste in 1996 and 14,398 100 tons in 1997. Domestic waste generated in 1996 amounted to 519,900 tons and to 270,100 tons in 1997.

622. In the course of an inventory of dumpsites that was conducted in 1995, approximately 450 dumpsites, waste storage sites and other waste deposit sites were registered in Estonia.

623. Towns administer 48 dumpsites for waste collected by specialized waste handling companies. The majority of all other dumpsites were at the disposal of undertakings that have been liquidated in the course of the property reform, most of which are now administered by local governments.

624. The Waste Act lays down the principles for preparing waste handling plans on a national, county, rural municipality and town level to regulate handling of waste. According to these principles, most small dumpsites will be closed and recultivated.

625. The remaining dumpsites and new dumpsites that are being set up must achieve compliance with EU environmental requirements, identify administrative relations and ensure that their exploitation is at a modern level. In addition to environmental protection aspects, economic factors such as the cost of transporting waste, maintenance of dumpsites, liquidation of old dumpsites and setting up new dumpsites are considered in cutting the number of dumpsites to an optimum level.

626. In Estonia a relatively large number of people are exposed to environmental factors at levels that are hazardous to health. Particularly large sources of health risks are:

- microclimate of premises (in-house air at home and accidents at home);
- food;
- working environment.

627. The number of people exposed to risks from the ambient air and drinking water has fallen as a result of the constant attention and extensive measures that have been implemented.

628. The dominant sources of pollution are:

- ambient air: vehicles (traffic), industry, heating of buildings;
- in-house air: soil, smoking, heating, use of gas burners, insufficient ventilation, sources of infection, keeping of pet animals;
- drinking water: sewage water, piping leaks, soil pollution (caused from waste or agricultural activities), natural qualities of soil, disinfection, military pollution, pollution from transport, etc.;
- food: pollution of raw materials, substandard handling of food;
- working environment: sources of infection, polluted or infected materials, technical systems and the working process, failure to observe safety requirements.

629. Taking into account that the number of exposed people is high, the priorities of the national environmental health are:

- to reduce the number of emergencies;
- to improve the ambient air in working premises;
- to improve the quality of food;
- to improve the working environment;
- to reduce causes of noise;
- to alleviate the causes of psychical stress.

630. In 1997 the Estonian Parliament adopted the National Environmental Strategy. The Central Health Insurance Fund finances the preparation of the Environmental Health Action Plan that is modelled on the Pan-European Environmental Health Action Plan and the so-called pilot countries (United Kingdom, Hungary, Latvia), as well as the experience of Sweden and Finland.

631. As to the working environment, please see the section under article 7.

632. The Labour Inspectorate and the Health Protection Inspectorate are two agencies operating in the area of government of the Ministry of Social Affairs. The main duties of the Labour Inspectorate are to carry out State supervision over the observance of legislation regulating the fields of occupational safety, health and employment relations in the working environment, and to impose State enforcement on offenders as provided by the law. The Labour Inspectorate has 14 local (regional) inspectorates.

633. State supervisory activities are aimed at improving the working environment and creating safe and healthy working conditions. Based on the results of inspections and an analysis of occupational accidents and diseases, supervision, inspections and advice are mainly provided for the following sectors that account for more than 75 per cent of occupational accidents:

- construction industry;
- transport;
- timber industry;
- furniture industry;
- engineering;
- food industry;
- chemical industry;
- mining industry;
- forestry;
- agriculture.

634. Particular attention is being paid to the organization of work in enterprises. An analysis of occupational accidents indicates that mistakes in work organization and poor safety of workplaces are the main causes of fatal occupational accidents and accidents that result in grave bodily injury. The priorities are now to:

- create a system of legal acts regulating the working environment on the basis of which the tools, workplaces and the working environment in Estonia will be harmonized with EU standards;
- achieve compliance of machinery, equipment and protective equipment that is manufactured or marketed with EU requirements.

635. The most important duties of the Health Protection Inspectorate are to control the spread of communicable and parasitic diseases, to keep records of communicable and parasitic diseases and to examine the prevalence of infections in human beings. To achieve these goals, the Health Protection Inspectorate has set up several agencies, such as the Central Laboratory of the Health Protection Inspectorate, the Central Laboratory of Microbiology, the Central Laboratory of Virology, and the AIDS Prevention Centre.

Prevention of diseases

636. In Estonia, prevention of diseases is carried out through:

- State health-care programmes focused on combating tuberculosis, drug addiction, alcohol abuse, AIDS and other sexually communicable diseases;

- activities financed by the health insurance fund which are aimed at preventing diseases in pregnant women, newborns, children (including school health) and adults;

- immunization of the population (based on the State development plan of vaccinations).

637. As to the prevention of occupational diseases, please see paragraphs 165-175 under article 7.

638. The prevention of diseases and the preparation and implementation of patients' individual health education plans are some of the main duties of the family doctors who practise in the Estonian health-care system. Family doctors are thus some of the main distributors of health education information among patients.

639. Public health specialists have been working in counties since 1997. Their duties are to promote healthy living habits, including informing people on health education, provide training and counselling for health teachers, prepare and implement health promotion programmes, and create local infrastructure (advisory and family planning centres, health centres and centres for young people, family doctor centres, a polyclinic in Tartu, etc.).

640. The Estonian Health Education Centre was set up in 1993. One of its duties is to provide training on health issues. The Centre has developed a national health promotional project which includes methodological guidance and training activities, and has set up a network of specialists. From February 1995 until October 1996, a training programme for county public health specialists was conducted in cooperation with the Centre and the British Health Promotion Board. The objective of the programme was to provide county specialists with a survey of the main concepts in health promotion, most popular strategies, methods of situation analysis and planning, implementation and assessment of health promotion.

641. The Public Health and Social Training Centre was set up with the objective of providing supplementary training and counselling in the field of public health. Training programmes are planned for a large number of public health specialists.

Medical care

642. By the end of 1998, Estonia had 77 health-care establishments with hospital beds. The total number of hospital beds was 12,309, of which 10,484 were in use. There were approximately 400 outpatient clinics and family doctor practices.

643. The medical staff that is employed in health-care establishments is professional and qualified for the provision of medical services. The majority of health-care establishments are equipped with modern medical technology and high-quality pharmaceuticals in order to provide patients with high-quality medical services.

644. Pursuant to article 5 of the Health Activities Organization Act, each person staying on the territory of Estonia has the right to emergency medical care. Emergency medical care is medical care which, if delayed, would directly endanger the life or health of a human being.

645. There are 79 ambulance units and 6 mobile reanimation units in Estonia. The units include a driver who has received paramedical training, a nurse, a doctor's assistant and a physician. A unit may also consist only of paramedics. The response time of the ambulance unit is between 8 and 30 minutes, depending on the area and its population density (in towns the response time is shorter, an average of 8 to 15 minutes).

646. Pregnant women have guaranteed access to qualified medical care. Pursuant to the Health Insurance Act, compulsory health insurance coverage extends to all persons on whose behalf social tax has been paid or must be paid. Pregnant women are equal to insured persons after the twelfth week of pregnancy (subsections 2 (1) and (2)). Women's advisory offices have been opened in counties throughout Estonia.

Table 33. Medical care of pregnant women

	1995	1996	1997
Registered as of end of previous year	6 881	6 690	6 366
Total number of registered persons	13 982	13 130	12 525
of which during the first 12 weeks	10 022	10 066	8 895
Pregnancies with childbirth[a]	12 870	12 289	11 842
Pregnancies interrupted by abortion[a]	430	539	433
Registered as of end of year[b]	-	-	5 908

Source: Estonian Health Statistics Yearbook 1997.

[a] Data do not indicate the total number of births and abortions.

[b] Figures do not reflect the number who left the register during the year.

Table 34. Mortality caused by complications in pregnancy, childbirth or after childbirth

	1990	1991	1992	1993	1994	1995	1996	1997	1998
Complications caused by pregnancy, childbirth or after childbirth									
- Number of deaths	7	6	4	5	8	7	0	2	2
- Maternal mortality rate (per 100 000 live births)	31.4	31.1	22.2	33.0	56.4	51.6	0	15.8	16.3

Source: General demographic data on population 1996, 1998.

Gender-specific use of health and medical care

647. The following indicators have been taken into account in assessing the quality of life of men and women:

- general self-assessment of health (lower for women);
- need for medical care (women use it two or three times more frequently than men);
- disorders of mental health (more prevalent among women);
- use of pharmaceuticals (women exceed men in the use of painkillers, sedatives, antidepressants, sleeping pills and herbs);
- smoking (mainly a habit of men);
- abuse of alcohol (mainly male problem);
- physical activity (equally low for both men and women);
- healthy nutrition (observed by more women than men, although the share of overweight women is higher).

648. Both sexes who, in 1990-1998, rated their health as very good or fairly good have become more positive in their self-assessment of health. The general assessment of health during the period in review was higher for men, although the difference with women has narrowed in recent years. A positive self-assessment of health fell, as a rule, with the increase in age. Although the average life expectancy of women is higher than men, women are more pessimistic about their health than men. This has also been confirmed by the Living Conditions in Estonia Survey that was conducted at the end of 1994.

649. Since, according to the survey, more women had permanent diseases or complications than men, women were more active in contacting a physician. The dominant cause of complaint for women was headache, as opposed to backache for men. The percentage of persons contacting a physician, excluding dental visits, has remained between 61 and 67 per cent, according to the health behaviour survey for the period in review. This figure does not differ notably from the data provided by the Estonian Medical Statistics Bureau.

650. In comparison with men, women suffer more from excessive stress and pressure. The majority of persons, both men and women, who suffer under excessive stress (more than 30 per cent) are aged 35 to 55. Women also suffer more from insomnia and depression. According to the data, high blood pressure is a problem for 43 per cent of men and 27 per cent of women.

651. Figures on the intake of pharmaceuticals have been stable. Women tend to use more pharmaceuticals than men. Both sexes use pharmaceuticals most often against headache, but women tend to take medical drugs twice as often as men. Women also use more sedatives, vitamins and herbs.

652. Most smokers in Estonia smoke cigarettes. The popularity of cigarette smoking has increased since 1990 and reached the maximum level in 1994. Since then, smoking among both men and women has been falling. The percentage of daily smokers is now at the 1990 level. The biggest smoking age group for both men and women is 25-44 years old. Women find it more difficult to quit smoking and their percentage among persons who have stopped smoking is lower than for men.

653. The tobacco-free environment outside houses is increasing. This is indicated by the falling percentage of passive smokers in working areas. The working premises of half of working women are already smoke-free. Also, the respective percentage for men has increased, although it is still 30 per cent. At the same time the percentage of passive smokers at home has not notably decreased, reaching 47 per cent and 42 per cent for men and women, respectively.

654. In the last year under review, 25 per cent of adults drank no wine, 36 per cent drank no beer and 48 per cent of adults drank no long drinks; 19 per cent of adults do not consume strong alcoholic beverages. The consumption of vodka and other strong alcoholic beverages has increased notably since 1990, but the growth has stabilized at the current time. For women, drinking of wine once a week or more has increased from 3 per cent in 1990 to 11 per cent in 1998. The respective percentage for men has remained relatively stable for the decade in review (10 per cent in 1998).

655. Lack of physical activity is a characteristic feature in the newly independent Estonia. While around 50 per cent of women and men were engaged in a fitness sport at least twice a week in 1990, their share has fallen notably since then. Although women have become slightly more interested in fitness sports, there is still a great difference between the 1990 level of interest and that of today. The trend in the physical activity of men has not changed notably in the last six years. Contrary to popular belief, the age group that is least engaged in fitness sports is not the elderly, but the middle aged, those between 35 and 54.

656. Obesity is a growing problem in most age groups, for both men and women. In 1998 the percentage of women and men of normal weight (62 per cent and 57 per cent, respectively) did not notably exceed the 1992 level. At the same time there are more women than men among persons whose body weight index is 20 per cent above normal weight.

657. Every third man and second woman has started to eat fresh vegetables at least three times a week. In comparison with men, women tend to balance food intake and choose healthy nutrition more often. There are notably fewer men than women who balance meat with vegetables and fruits. Men also use more sugar and salt than women.

658. Women are more interested in preserving health and are more health-oriented than men. Men's non-healthy living style and poor health behaviour has notably widened the gap between average life expectancy of women and men.

Medical care of persons with disabilities

659. Persons with disabilities have the same right to quality medical care, rehabilitation and aid appliances as all other persons. At the same time, disabled persons are entitled to receive services and benefits at favourable conditions.

660. The scope of health insurance extends to all disability pensioners, parents nursing a disabled child of up to 18 years of age, persons nursing a person with group 1 disability, and all children (including disabled children). Persons with disabilities are exempt from consultation fees and are entitled to compensation of the cost of pharmaceuticals and aid appliances.

661. There are rehabilitation wards in all major hospitals and hearing and visual rehabilitation centres in Tallinn and Tartu. The adaptability centre in Karaski in Põlvamaa county and the Tallinn rehabilitation centre provide services to all disabled people throughout Estonia. In addition, local governments have set up smaller rehabilitation centres. Aid appliance centres are located in Tallinn and Tartu, with affiliates in all counties. All disabled persons are able to get a necessary appliance, although the State tends to provide them with less expensive and less technically advanced appliances (e.g. providing a disabled person with a mechanical wheelchair instead of the electric one).

662. According to the 1998 report by the Central Health Insurance Fund, the health insurance system paid out EK 2,439.5 million in medical services, of which EK 20 million were spent on rehabilitative care and EK 6 million on post-surgery appliances (including EK 3.7 million for prostheses after an amputation of a hand or a foot). In 1999, EK 40 million are planned to be allocated for rehabilitative care. No separate records are kept on how much of these funds are spent on the medical care and rehabilitation of the recipients of disability pension.

663. In 1998 the State paid EK 23.7 million from the State budget in compensation for technical appliances to 68,587 disabled persons and provided rehabilitation services to 4,661 disabled persons in the amount of EK 4.3 million.

664. The amount of medical care guaranteed to persons with grave disabilities is insufficient, in particular in terms of examinations and rehabilitation (e.g. instead of daily physical rehabilitation, the disabled persons are able to receive health insurance funding for only two days of physical rehabilitation a week).

665. Because of the limited health insurance budget and State budget allocations, hospitals, rehabilitation wards, rehabilitation centres, adaptation and rehabilitation centres and county appliance centres cannot utilize their full technical capacity and staff qualifications. Very few disabled persons are able to pay for their care themselves.

Health care of the elderly

666. Pursuant to article 2 of the Health Insurance Act, persons who receive State pensions granted in Estonia are considered equal to the insured. Therefore, medical care provided under the valid Price List of Medical Services and Health Examinations is free to pensioners.

667. No studies of the health quality of the elderly have been carried out.

668. The number of elderly people in Estonia is increasing. In 20 years, it is estimated that approximately a quarter of the Estonian population will have reached the retirement age. As a rule, women have better health and higher life expectancy than men. There are around 90 persons who are over 100 years old. Studies are conducted and records are kept on elderly Estonians by the Estonian Pensioner's Society in the framework of the self-help project "A 100-year-old Estonian". The elderly are provided with more information on the principles of healthy nutrition, the need for moderate exercise, weight-watching, the need for regular medical examinations, etc.

669. The next priority is to develop health rehabilitation programmes, as well as to provide more opportunities for home care and nursing hospitals.

Medical care of persons without health insurance coverage

670. Pursuant to article 2 of the Health Insurance Act, all persons for whom a payer of social tax has paid or has an obligation to pay social tax shall be deemed to be insured with mandatory medical insurance. The following non-working persons shall have equal status to an insured person:

- a spouse dependent upon an insured person;
- a child under 18 years of age;
- a student enrolled in daytime study;
- a parent or a guardian who is caring for a disabled child under 18 years of age or a person disabled since childhood;
- a care taker of a person with severe disability;
- a pregnant woman from the twelfth week of pregnancy;
- a person who receives a State pension granted in Estonia.

671. The health insurance of persons who are serving sentences or are held in custody in penal institutions shall be organized pursuant to agreements entered into between the corresponding agencies and health insurance funds.

672. The health insurance of residents of foreign States not covered by mandatory medical insurance pursuant to this Act shall be organized pursuant to the procedure provided by international agreements. Such agreements have been signed with Finland, Latvia, Lithuania, Ukraine and Sweden.

673. Any person on the territory of Estonia has the right to emergency medical care. The care of persons who are uninsured and without any source of income is paid by the local government from funds allocated by the State for this purpose.

674. It is estimated that approximately 10 per cent of the population of counties is not covered by health insurance. In Tallinn there are around 50,000 persons who have no health insurance coverage. The majority of uninsured persons are:

- dodgers of health insurance tax who pay for their medical care themselves;
- long-term unemployed;
- persons without a permanent place of residence and employment.

However, there is no accurate survey on the number or health status of such persons.

675. For the last five years, no changes have occurred in the legal protection that have affected the opportunities of uninsured persons for emergency medical care.

International cooperation

676. The Ministry of Social Affairs is involved in the following cooperation projects:

(a) The World Bank: Estonia health project; total cost: US$ 36 million, of which US$ 18 million are a World Bank loan, US$ 13.5 million are from the State budget and US$ 4.5 million are from donors; duration: 1996-2000. The project finances development activities necessary for achieving health reform goals. The project consists of the following subcomponents: health policy and economic analysis; functional planning of health-care institutions; development of hospital management; programme of medical equipment; quality control and licensing of health care; health promotion; development of the Health Care Institute and Polyclinic of Tartu University; development of the Public Health Training Centre; designing, building and equipping of Tartu University Biomedicum;

(b) EU Phare: "Integrated support to Health Sector Reforms" (ES 9,503.02); cost: 1,231,000 ecus; duration 1996-1998; project components: health policy analysis, overview of health-care financing, defining of health sector human resources and analysis of information structure;

(c) Finland: "Training of physiotherapists and occupational therapists"; cost: FIM 765,000; duration: 1996-1998;

(d) Sweden:

- "Training and development of health-care management in Valga and Pärnu counties"; cost: SEK 1,079,000; duration: 1997-1998;

- "Training of trainers in health promotion among district nurses in Estonia"; cost: SEK 699,600; duration: 1998-2000;

(e) Denmark:

- "Bed assessment project"; cost: DKK 700,000; duration: 1998; activities: a bed assessment of a nationwide hospital bed inventory, bed-use profile and patient profile; development of bed requirements based on health needs planning with appropriate provision to meet clinical teaching needs, physical facilities assessment and evaluation of medical equipment;

- "Health management education"; cost: DKK 595,000; duration: 1998;

(f) The Netherlands: "Quality improvement of Estonian health care"; Cost: NLG 256,630; duration: 1996-1998;

(g) Switzerland: "Disinfection and sterilization"; cost: CHF 3,444,436; duration: 1996-1999; activities: replacement of outdated sterilization equipment in Estonian hospitals by modern equipment;

(h) WHO:

- "Copernicus care support"; cost: 350,000 ecus; duration: 1997-1999; activities: development of a national system of health-care indicators in each participating country;

- "Health for all - statistical database"; duration: 1998-1999; activities: creation of a system of health indicators and defining of indicators;

- "NEHAP-DEPA"; cost: US$ 200,000; duration: 1999; activities: developing the Estonian National Environmental Health Activity Plan in cooperation with the Danish Environmental Protection Agency.

(i) EU/WHO: "EUPHIN-EAST (European Public Health Information Network for Eastern Europe)"; duration: 1997-1999.

Article 13

Right to education

677. The Constitution states that everyone has the right to education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in State and municipal general education schools (art. 37). This constitutional principle lays the foundation for the legislation which regulates the Estonian educational system.

678. The educational system is governed by the Education Act which provides a legal basis for building, organizing and developing the educational system.

679. The Education Act lays down the following principles for the organization of the educational system:

- the State and local governments provide opportunities in Estonia for everyone to fulfil his or her school obligation and for ongoing learning at conditions and by the procedures laid down by law;
- the State and local governments provide, on the territory of Estonia, an opportunity to obtain education in the Estonian language in public educational institutions and universities at all levels of education;
- the Republic of Estonia guarantees training in the Estonian language in all public educational institutions providing education in foreign languages and in foreign language study groups;
- the training and learning of religious study is voluntary;
- the educational system and the national educational standard enable everyone to progress from one level of education to another;
- economic sustainability of the activities of educational institutions are separated from pedagogical guidance and inspection;
- secondary education obtained in public educational institutions is free of charge;
- educational institutions employ the following forms of study: daily study, remote study, externship, home study and individual study;
- the educational system is managed on the principle of appropriate decentralization;
- educational institutions are managed by a combination of the personal responsibility of their head, collegial decision-making and public supervision.

680. The Education Act also lays down general principles on the fulfilment of school obligation and education of children with special needs:

- the children of school age are obliged to attend school;
- local governments ensure that persons who have a physical impairment, a speech impairment, a cognitive impairment or a mental impairment and who need special assistance can study in schools in their place of residence. If such conditions cannot be provided, the State and local governments will guarantee them the possibility to study in special educational institutions;

- the State and local governments provide children who need special conditions for care an opportunity to study in special educational institutions, ensuring their full subsistence.

Preparations for school

681. The Pre-school Children's Establishment Act states that rural or urban governments provide all children who live on their administrative territories an opportunity to go to a children's establishment. A pre-school children's establishment provides care and pre-school education for children who are below school age. Such institutions will take care of children's needs and specific features related to their age, gender and individual needs. Children's establishments are founded on a resolution of the local government council of a rural or urban municipality and on the basis of an educational licence issued by the Minister of Education. The setting up and operating of a children's establishment requires an adequately qualified teaching staff, suitable premises and a special curriculum. The last is required to comply with the framework curriculum for pre-school education approved by the Government.

682. In the case of children with special needs, a rural or urban local government provides the conditions for their development and care in adaptation groups together with other children. If such a group cannot be opened in the children's establishment in the place of residence of the child, the rural or urban government will open special kindergartens or special groups.

683. The decision to include a child with special needs in an adaptation group or a special group is made, on the basis of a parent's written application, by a counselling committee. The counselling committee consists of a special education teacher, a speech therapist, a psychologist, a social worker and a representative of the county or city government. The number of children in special groups is smaller than in regular groups.

684. The number of children attending pre-school children's establishments fell 4.7 per cent by the end of 1998 in comparison with 1997, although their share among children of the respective age increased.

685. While the number of places in pre-school children's establishments in recent years has not changed significantly, the number of births has fallen notably in comparison with the 1980s. Therefore, the availability of pre-school children's establishments has increased. There were 6,647 children who were waiting for a place in a kindergarten at the end of 1998 (11 per cent less than at the end of 1997), of whom 6,364 applied for a place in Estonian and 283 in Russian groups. The number of children waiting for a place in a kindergarten also fell while the number of places in special children's establishments almost doubled. By the end of 1998, there were 16 private children's establishments with 378 children, up from, respectively, 9 and 280 a year before.

Table 35. Pre-school children's establishments at year end

	1980	1985	1990	1994	1995	1996	1997	1998
Number of pre-school children's establishments	713	744	767	663	671	667	670	668
Number of children in the establishment (th.)	83.5	90.4	81.1	61.9	60.9	58.4	56.3	53.5
Percentage of all children aged 1-6, in a pre-school establishment	63	69	56	53	57	59	61	62
In urban municipalities	74	76	68	64	68	72	73	74
In rural municipalities	39	50	31	32	37	39	44	44
Percentage of all children aged 3-6 in a pre-school establishment	...	...	69	59	63	67	70	72
Number of children per 100 places in children's establishments[a]	106	99	84	140	120	118	115	111
In urban municipalities	107	101	88	142	121	118	114	111
In rural municipalities	100	90	67	137	120	120	117	113

Source: Statistical Office.

[a] Owing to a change in the definition of a norm place, data for 1995-1997 are not comparable to data for previous years.

686. Progress has been made with the new form of providing pre-school education that was set up in 1996 - preparatory groups for children who do not attend a pre-school children's establishment. These are set up at day-care schools and day-care centres at the parents' initiative. More than 1,000 thousand children attended such preparatory groups in 1997. There were 170 groups with 2,137 pre-schoolers (who went to school on 1 September) in the first half of 1998 and 172 groups with 2,108 pre-schoolers in the second half. There were 147 such groups set up at 147 schools (71 schools in 1997), mainly in Lääne-Virumaa, Viljandimaa and Pärnumaa counties which had 20, 19 and 17 groups, respectively.

Basic and upper secondary education

687. The provision of basic and upper secondary education is regulated by the Basic and Upper Secondary School Act. This Act lays down the legal status of State and municipal government basic schools and upper secondary schools. By law, basic education is the compulsory general educational minimum provided by the educational standard, the completion of which creates the preconditions for secondary education. Basic secondary education is a set of requirements laid down by the national curriculum of basic and upper secondary education, the completion of which creates the preconditions for higher education.

688. By law, a basic and upper secondary school is a combined school in which each level (class) is directly based on previous levels and which enables a student to progress from one school to another.

689. Pursuant to the Basic and Upper Secondary School Act, school is obligatory for children who have reached 7 years of age by 1 October. Students complete this school obligation by the time they complete basic education (graduate from grade 9), or by the time they reach 17 years of age. For ensuring the availability of basic education and guaranteeing fulfilment of the school obligation, basic schools (including day-care centres) can be set up, as necessary and as appropriate, for grades 1-6. Schools are required to ensure that all children who reside in their service area and are under school obligation have a possibility to obtain education. Parents can freely choose the school for their child who is under school obligation if the school has a vacancy.

690. Parents can request that the counselling committee postpone the fulfilment of school obligation (the counselling committee was described under the section on the Pre-school Children's Establishments Act). The committee is competent to decide on the curriculum and form of study which is most appropriate for a disabled child, refer the child to a boarding school, special school or a special class for disabled children with parental consent, or, if applied for by a parent, postpone the school obligation. According to the Constitution, parents shall have the final decision in choosing the education for their children.

691. The Ministry of Education or the urban or rural municipal government will set up in a State or municipal school, if necessary:

- classes for children with physical, linguistic, mental and physical disorders;
- transitional classes for teaching children with learning difficulties;
- assistance classes to teach children with minor mental disability;
- coping classes for teaching children with minor mental disability and care classes for teaching children with severe and profound mental disabilities.

692. Students who have no further need to go to a boarding school or a special school for disable children are entitled to continue their studies in their former school.

693. School obligation can also be fulfilled by studying at home or at a hospital. Students who are on home study have a similar right to the necessary textbooks, workbooks and other materials necessary for study as other children fulfilling school obligation. The teacher of the respective class has a duty to counsel the parent of the child in the methods and content of study, and to lend parents the necessary guidance and methodological materials. The results of home study are checked by the teachers of the respective class.

694. For organizing home study a parent will submit an application to the school director. Permission for home study is granted by the study council of the school for one year. A student who is on home study will be enrolled at the school and will be entered in the list of students.

695. In all cases medical indicators of home study are determined by the children's hospital or a medical commission of a county hospital. A teacher will prepare an individual curriculum according to the abilities of the child together with the school physician, the parents and the child. The evaluation of the student is based on the requirements of the individual curriculum.

696. The Estonian educational system is developing towards integrated teaching of disabled children, but only a network of special schools has so far been developed. Other systems, such as integrated classes in regular schools and integration of disabled children in regular classes, are only being developed at this time.

697. The Ministry of Education and the universities carry out projects to develop the methods of teaching and to prepare teachers. However, since many schools are not physically accessible to children with graver disabilities and the schools lack the necessary teaching aids, disabled children do not have equal opportunities with other children in educational matters.

698. Blind children have insufficient teaching literature in quality sound language or in Braille. Deaf children study in special schools and the Estonian educational system recognizes sign language as the mother tongue of deaf children.

699. Within the home, parents have the obligation to create favourable conditions for children to study and fulfil the school obligation. If a child fails in his or her school obligation, his or her parents are fined in the amount of 20-100 daily wages.

700. According to the Basic and Upper Secondary School Act, the State and local governments provide applicants with the possibility of obtaining secondary education.

701. Requirements for basic and upper secondary schools are provided in national curricula that provide a basis for school-specific curricula. The national basic and upper secondary education curriculum was approved by the Government in 1996 and it was implemented for the first time in 1997/98. It is a national document that provides the basis for study in all State, municipal and private schools which provide basic education in Estonia.

702. The national curriculum contains certain specific provisions for teaching boys and girls. These provisions concern physical training and handicrafts. Tuition of boys and girls in other subjects is carried out on the same basis. However, it should be noted that by the Basic and Upper Secondary School Act a student is entitled to select a school according to his or her interests and abilities, to select subjects within the range of subjects taught at school, or to study according to an individual curriculum. Students are also entitled to the use of out-of-class school facilities, the library, as well as educational, sports, technical and other equipment free of charge.

Table 36. General schools providing daily study at the beginning of the educational year

	1980	1985	1990	1994	1995	1996	1997	1998
Number of schools	539	559	641	741	742	739	730	722
Elementary schools	72	81	127	197	196	191	182	177
Basic schools	238	232	247	265	269	270	268	268
Basic and upper secondary schools	186	204	224	229	228	229	232	231
Schools for children with special needs	43	42	43	50	49	49	48	46
Number of teaching staff[a]	...	...	16 917	15 453	16 205	16 628	16 552	16 571
Full-time teaching staff	10 137	11 375	15 957	14 225	14 852	15 276	15 342	1 458
Percentage of female teachers	87.1	86.0	85.8	85.9	87.6	87.5	85.9	86.6
Percentage of teachers with higher education	69.6	74.4	74.1	75.7	76.3	77.3	77.3	77.8
Number of part-time teachers	...	...	960	1 228	1 353	1 352	1 210	1 989

Source: Statistical Office.

[a] Data on 1980 and 1985 without schools for children with special needs.

Table 37. Enrolment in general schools by educational level, 1994-1999

	1994	1995	1996	1997	1998	1999
General education	218.6	221.1	222.7	224.1	223.7	222.2
basic education	181.8	184.2	184.8	185.8	186.6	184.7
full-time	180.5	182.7	183.3	184.5	185.4	183.5
secondary education	36.8	37.8	37.8	38.3	37.1	37.5
full-time	31.8	31.8	32.4	33	32.2	32.4

Source: Statistical Office.

Table 38. Drop-out rates in general education 1993/94-1998/99

Year	Basic school (grades 1-9)			Upper-secondary schools (grades 10-12)		
	Average	Girls	Boys	Average	Girls	Boys
1993/94	0.7%	0.4%	1.0%	6.6%	5.4%	8.4%
1994/95	0.8%	0.5%	1.1%	6.7%	5.5%	8.5%
1995/96	0.7%	0.4%	1.0%	6.4%	5.4%	7.9%
1996/97	0.8%	0.5%	1.0%	6.8%	5.4%	8.8%
1997/98	0.7%	0.4%	1.0%	7.5%	6.4%	9.0%
1998/99	0.7%	0.4%	1.1%	6.6%	5.6%	8.1%

Source: Ministry of Education.

703. For those persons who have not completed the whole period of their basic and upper secondary education, the adult upper secondary schools (usually evening schools and evening and correspondence departments at day schools) have been established. Adult schools operate on the same basis as other basic and upper secondary schools.

Table 39. Part-time general education in 1990, 1995, 1997-1999

	1990	1995	1997	1998	1999
Evening schools	28	21	19	19	19
Evening and correspondence departments at day schools	2	13	14	14	12
Students	6 596	6 498	6 585	6 083	6 359
at gymnasium level	5 258	4 999	5 304	4 926	5 121
Graduates					
with basic school leaving certificate	365	472	544	438	398
with upper secondary school leaving certificate	1 073	1 139	202	1 224	1 228

Source: Statistical Office of Estonia.

Vocational secondary education

704. Pursuant to the Vocational Education Institution Act, vocational education institutions are either State or municipal vocational schools. Vocational secondary education is a set of requirements laid down with professional, occupational and vocational State curricula. Vocational secondary education is obtained on the basis of basic or upper secondary education. Completion of vocational secondary education creates the preconditions for and entitles one to pursue employment in the obtained profession, occupation or vocation, or to continue studies to obtain higher education.

705. Persons who have completed basic or upper secondary education may enrol in vocational education institutions. Children without basic education are not entitled to study at vocational education institutions. Children with mental disabilities who have completed basic education on the basis of a simplified curriculum are entitled to study at a vocational education institution. As a rule, disabled children study in a regular study group, if necessary on the basis of an individual curriculum. Most educational institutions are not adapted to persons with physical disabilities. Teachers need in-service training, and schools need more assistant teachers and teaching aids.

706. Study in a vocational education institution is free of charge. Students are also entitled to use school facilities and premises, and library and educational, sports, technical and other equipment free of charge as provided for by the school for out-of-class activities.

707. As a rule, vocational education institutions organize professional training for adults in the subjects taught there. Schools are also entitled to provide professional training in other subjects provided there is the need and the required materials, information and qualified teaching staff. Adult persons with disabilities may learn a vocation, profession or occupation when they so wish and the necessary resources exist for this pursuit.

708. The form of professional study organized for adults at school is a course that can be carried out as:

- first study to obtain a new vocation, profession or occupation or as re-training;
- in-service training in an obtained vocation, profession or occupation.

Table 40. Vocational education institutions at the beginning of study year

	1993	1994	1995	1996	1997	1998
Number of vocational education institutions	88	87	85	91	90	87
Number of students	28 208	27 806	29 438	31 487	31 316	31 190
Number of graduates	10 599	9 449	7 345	8 231	8 495	8 537
Number of full-time teachers	1 073	1 585	1 642	1 634	1 664	1 653
Number of vocational teachers	689	655	836	900	750	995

Source: Statistical Office.

Higher education

709. Higher education is being provided pursuant to the Applied Higher Education Institution Act and the University Act. Pursuant to the Applied Higher Education Institution Act, an applied higher education institution is a State body that is founded by the Government of the Republic on a proposal of the Minister of Education and governed by the latter. This is an indication of a far bigger role of the State in comparison with the legal acts regulating the activities of secondary schools, since the law does not provide for setting up municipal higher education institutions.

710. Complementary education is provided in the subjects taught in applied higher education institutions and in the form approved by the Minister of Education and according to regulations governing the organization of complementary education.

711. According to the University Act, the education must enable professional, vocational and occupational preparation. Universities can be both public and private.

712. In 1998/99 there were 40,621 students learning on the basis of a higher education curriculum. That is 18 per cent more than in the last academic year. Higher education in Estonia is provided by 37 educational institutions, of which almost half are private (5 private universities and 13 private higher schools).

Table 41. Number of students studying according to higher education curriculum

Type of educational institution	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99
Total	25 064	25 483	27 234	30 072	34 542	40 621
Public universities	21 388	20 161	19 945	20 609	22 231	24 740
Private universities[a]	-	-	949	1 219	3 291	4 305
Private higher schools	1 852	3 031	3 618	4 619	4 527	6 173
State higher schools	1 824	2 291	2 591	2 835	3 285	3 616
Vocational education institutions	-	-	131	790	1 208	1 787

Source: Statistical Office.

[a] Students are considered students of private universities from the time the educational establishment obtains the legal status of a university.

713. The number of students enrolled in private educational institutions has increased notably, accounting for 26 per cent of all students. However, public universities and State higher schools have remained popular among those attaining higher education. There were 3.16 candidates per place in public universities in 1998/99. The corresponding figure was 1.54 in private universities and 1.33 in private higher schools.

714. Thirty-four per cent of all students pay a fee. Among students of public and State higher schools education is paid for by 9 per cent of students.

715. In comparison with the last academic year, the number of university students who study in Russian increased 21 per cent and that in Estonian by 11 per cent. There was an average of 1.75 candidates per place in Russian study groups and 2.63 in Estonian groups. The number of applications was 2,913 and 26,255, respectively.

716. The number of students increased most in graduate studies (39 per cent). This is partly due to the transition of some secondary special education curricula to graduate studies. There were 2.01 candidates per place in graduate studies and 3.31 candidates for post-graduate studies. The number of students obtaining a post-graduate degree increased 8 per cent.

717. There are 2,822 students studying for a Bachelor's degree (6 per cent more than last academic year) and 1,071 for a Master's degree (up 19 per cent). Last year 1,135 students enrolled for the former and 324 students for the latter. The number of graduates with Bachelors was 586 and with Masters, 106.

Table 42. Higher education institutions at the beginning of educational year

	1980	1985	1990	1994	1995	1996	1997	1998
Number of higher schools[a]	6	6	6	22	26	32	35	38
of which universities	6	6	6	6	7	7	10	11
of which applied higher schools	-	-	-	-	18	20	21	22
of which vocational education institutions which issue diplomas	-	-	-	-	1	5	4	4
Number of students	25 472	23 516	25 899	25 483	27 234	30 072	34 542	40 621
Admittance	5 288	5 117	5 289	6 323	7 292	8 651	10 691	12 002
Number of graduates[b]	3 655	3 575	3 129	3 254	3 355	3 301	3 821	4 039

Source: Statistical Office.

[a] In 1995 it was possible to obtain higher education also in a vocational education institution.

[b] Data on 1980-1990 graduates by calendar year; otherwise by academic year.

718. Tuition in applied higher education institutions is funded from the State budget according to the State educational order. The Ministry of Education finances study places created on the basis of the State educational order for the duration of a period of study as laid down in the curriculum. Students are entitled to use, free of charge, auditoriums, laboratories, computers, libraries, equipment and other material of the applied higher education institution for educational purposes pursuant to the procedure established by the school.

719. By the University Act, the costs of student places created on the basis of a State educational order are funded from the national budget for the corresponding nominal period of study.

Table 43. Female pupils and students at all educational levels 1996-1999

Educational level	Number of female pupils and students, thousands				Share of females in the total number of pupils and students, %			
	1996	1997	1998	1999	1996	1997	1998	1999
General education	111.6	112.0	112.0	111.1	50.2	50.2	50.1	50.0
basic education	89.5	89.3	89.9	88.9	48.4	48.1	48.2	48.1
secondary education	22.2	22.7	22.1	22.2	58.7	59.2	59.7	59.2
Vocational education	15.2	15.1	14.7	14.6	48.2	48.1	47.1	47.0
Higher professional education	..	..	..	2.7	..	..	..	86.2
Higher education	15.9	18.9	23.0	26.1	53.0	54.7	56.6	56.3
diploma courses	4.4	6.1	9.1	9.6	56.3	58.4	60.6	58.0
Bachelor programmes	9.7	10.8	11.7	13.9	51.7	52.8	53.8	54.9
Master programmes	1.5	1.5	1.6	2.0	53.8	55.6	57.9	58.5
Doctoral programmes	0.4	0.5	0.6	0.7	49.5	52.5	53.9	54.7

Source: Statistical Office.

Tuition in private schools

720. Basic, secondary and university education can also be obtained in private schools. According to the Private School Act, the enrolment terms for private schools are laid down by the private school itself. Enrolment in basic schools, gymnasiums, applied higher schools or universities is subject to the terms laid down by law for State and municipal schools or public universities of the same type. The board of a private school is entitled to establish additional requirements for enrolment.

721. The rights of students are protected by the agreement made between the student and the private school in which the school will be obliged to provide the student education in accordance with the curriculum and in which the student will be obliged to adhere to school regulations and pay the tuition fee.

722. The curriculum is the basic document for education in a private school, laying down the objectives and duration of education. A State diploma attesting to education obtained in a private school is issued according to the procedure and terms provided in legislation regulating State or municipal schools or public universities of the same kind.

723. Wages of the teaching staff of private basic schools, basic schools, gymnasiums and vocational education institutions and the costs of procurement of teaching aids are funded from the national budget on the same basis and by the same procedure as those provided to State or municipal schools of the same kind.

Financing of the education

724. According to the Basic and Upper Secondary School Act, the State funds the wages of teaching staff, directors and their teaching and education deputies and compensates for the cost of procuring textbooks. The remuneration of the teaching staff is based on the cost-per-student that is laid down by a regulation of the Minister of Education. Wage rates are established by the Government.

Table 44. Public expenditures for education (1997-1999)

	1997	1998	1999
Expenditure on education in State budget[a] (EK, million)	2 011.4	2 360.2	2 785.0
Education expenditures as percentage of State budget	16%	15.7%	15.8%
Municipal schools (EK, million)	809.0	1 008.7	1 211.2
Universities (EK, million)	468.3	521.7	612.8
Applied higher education institutions (EK, million)	95.9	102.7	116.6
Vocational education and training institutions (EK, million)	333.6	380.3	437.5
State schools (EK, million)	139.7	158.1	176.7
State student loans (EK, million)	26.7	30.2	60.0
Other expenditures (EK, million)	138.2	158.6	170.1

Source: Ministry of Education.

[a] State budget expenses do not include social and health insurance budgets.

Table 45. Full-time teachers' minimum salary (EK per month), 1994-1999

	1994	1995	1996	1997	1998	1999
Not-qualified teacher	737	955	1 395	1 650	2 030	2 654
Junior teacher	1 061	1 387	1 845	2 330	2 860	3 739
Teacher	1 242	1 620	2 115	1 490	3 060	4 000
Senior teacher	1 729	2 251	2 415	2 830	3 480	4 549
Teacher-methodologist	1 841	2 404	2 920	3 210	3 950	5 163

Source: Ministry of Education.

Table 46. Average gross teachers' wages per month compared to monthly gross wages for all economic activities, 1997-1999

	1997	1998	1999
Average gross teachers' wages (EK)	3 408	3 718	4 440
Average monthly gross wages (EK)	3 573	4 125	4 300

Source: Ministry of Education.

The right of persons to participate in educational programmes

725. The elderly extend their knowledge in a variety of ways. More than 2,000 persons annually attend Third Youth Universities, training courses, information days, lectures and workshops organized by various organizations.

726. The role of the elderly as carriers of intellectual values and traditions in the Estonian society is significant. The older generation shares its knowledge and life experience with young people, mainly within the family. In particular, grandparents play these roles as the creators and bearers of family traditions.

727. Meetings, debates and brainstorming sessions are held by day-care centres for the elderly and by other voluntary organizations in which both younger and older generations take part. Electronic and print media play a major role in influencing the opinions and recommendations of elderly people.

728. The elderly are particularly active in keeping the traditions of national song and folkdance festivals alive. They also organize heritage and home-study events, local contact days, activities of local heritage foundations and sports events. Older people play an important role in promoting traditional Estonian handicrafts, handicraft fairs and exhibitions.

International cooperation

729. The Ministry of Education has founded Archimedes, a Foundation of EU Educational and Research Programmes, with a view to:

- preparing the Estonian educational and research system and youngsters' organizations for cooperation with EU structures,
- preparing the participation of Estonia in various EU educational, research and young people's programmes and organizing application of such programmes.

730. Estonia set up the EU innovation information centre at the beginning of 1997. The objective of the centre was to distribute information on EU research and development programmes and to provide advice. The centre carries out active cooperation with similar innovation information centres in EU member States and countries of Central and Eastern Europe, as well as with several research and development organizations both abroad and in Estonia. The centre provides information on EU research and development (R&D) programmes, assists in finding cooperation partners and prepares R&D projects. The work of innovation information centres is coordinated by the XIII Directorate-General of the European Commission and by the Coordination Centre of Innovation Centres.

731. The Estonian Vocational Education and Employment Monitoring Centre takes part in the joint project of the European Training Fund's Monitoring Centre and partner countries. The objective of the Centre is to map the current situation of the Estonian vocational training system, taking into consideration general aspects of the current educational system, the labour market and other aspects related to vocational education. The key task of the project is to contribute to making the Estonian vocational educational system more effective and efficient. Information related to the local education and labour market is being collected, processed and distributed, and sharing of information between all parties is being promoted. The principle of lifelong learning is being stressed.

Article 15

Right to take part in cultural life

732. The Constitution states that science and art and their instruction are free. Universities and research institutions are autonomous within the restrictions prescribed by law (art. 38). An author has the inalienable right to his or her work. The State shall protect the rights of the author (art. 39).

733. Every resident of the Republic of Estonia has the right to participate in cultural life according to his or her wishes, abilities and possibilities, and to develop cultural activities. The State culture policy is aimed at creating the possibilities for creative work for artists, irrespective of their specialization, and conditions for the cultural development of children and youth in order to satisfy their cultural needs.

734. On 16 September 1998 the Riigikogu adopted the Concept of the Estonian State Culture Policy and the Government of the Republic Action Plan for Implementing State Culture Policy. This document is a mapping of the current situation in various cultural fields and possible development scenarios.

Financing of culture

735. State expenditure on culture is channelled mainly through the Ministry of Culture and equalled 863.9 million Estonian crowns in 1999. This figure includes the expenditures of the Estonian Cultural Endowment (83.9 million crowns) and the State investment programme (78 million crowns). In 1997, the cultural expenses of local governments amounted to 493.3 million Estonian crowns, which corresponded to 41 per cent of the cultural expenses of the whole public sector.

736. Culture expenditure per capita in 1997 was 822 Estonian crowns per annum (including expenses at the State, regional and local government levels). It corresponded to 1.9 per cent of GDP.

737. In 1997, the share of local government expenditure was 41.1 per cent of the public expenditure for cultural life, the Ministry of Culture expenditure amounted to 55.9 per cent, and the regional administration approximately 2.9 per cent.

Table 47. State cultural expenditure by activity in 1998 (in million Estonian crowns and in %)

Cultural activity	Total	%
Museums and archives	61.5	9.2
Monuments and sites	27.4	4.1
Literature	18.5	2.8
Libraries	118.6	17.7
Printed press	3.7	0.6
Music	40.6	6.1
Performing arts	120.0	17.9
Visual arts	17.1	2.6
Film/cinema/photography/video	28.6	4.3
Radio/television	139.2	20.8
Socio-cultural activities	16.6	2.5
Education and training	5.8	0.9
General administration of culture	25	3.7
Sport	47.2	7.0
Total	669.8	100

Source: Ministry of Culture.

Institutional infrastructure

738. In the cultural sphere privatization took place mainly in the years 1988-1995. The overall monetary principles of the State budget have forced the State to withdraw from many of its previous functions. Some of the privatized companies - especially cinemas - have been closed down due to economic difficulties. At the same time, the business sector has not yet been very active in promoting culture.

Museums

739. In 1999, there were 179 museums (including their separate branches) in Estonia. By type of museum, the most numerous are regional museums (64) and museums of history and archaeology (32). During the 1990s, the number of museums has grown considerably (in 1990 there were 77) and the number of exhibitions arranged by the museums themselves has risen from 471 to 1,120 per annum. At the same time, museum attendance has decreased (in 1990, it was 1,235 per 1,000 inhabitants; the corresponding number in 1999 was 950). However, in 1999 the number of visitors increased by 138,250 (11 per cent) compared with 1998.

740. In 1999, museums were open 216 days a year on average, 28 per cent of the days with free admission.

Libraries

741. There were 1,233 libraries in Estonia in 1999; 597 of them were public libraries, 542 school libraries and 94 specialized and scientific libraries.

742. The National Library of Estonia has a special place among other libraries. It is a national library with the aim of collecting, preserving and making publicly accessible documents published in Estonia, in Estonian, or about Estonia, regardless of their place of publication. It is also a national centre of statistics on book publishing and on Estonian libraries, a centre for research on book preservation and conservation and a cultural centre where various book and art exhibitions are held along with concerts, conferences and other cultural activities.

Table 48. Indicators of library activities, 1999

Indicator	Total	Public libraries	Specialized and scientific libraries	School libraries
Number of libraries	1 233	597	94	542
Main collection, million library units	67.0	10.8	50.3	5.9
Visits, thousands	11 395	5 875	2 546	2 974
per 100 inhabitants	790	407	176	206
Registered users, thousands	813.2	440.8	167.9	204.5
per 100 inhabitants	56	31	12	14
Library units lent, millions	22.7	15.8	3.5	3.4
average per user, units	28	36	21	17

Source: Statistical Office.

Theatres

743. In addition to 10 State-owned theatres, many private and municipal theatres have been established during the last decade. The Ministry of Culture has information only about those private and municipal theatres which regularly present data on their activities to the Ministry and get financial support from the State budget.

744. Opera and ballet ensembles are engaged on a permanent basis in Tallinn and Tartu. The Estonian National Opera "Estonia" became a professional theatre in 1906. In 1949 its drama troupe was dissolved and "Estonia" continued as an opera theatre. In 1998 it acquired the official status of the Estonian National Opera.

745. Attendance at State theatres has grown continuously in the years 1995-1999. In 1999, compared with the previous year, the growth was 33,014 visitors (4 per cent), despite the fall in the number of productions from 429 to 413.

Table 49. Indicators of theatrical performance, 1999

Indicator	State theatres	Small theatres	Total
Number of theatres	10	9	19
Seating capacity	6 389	817	7 206
Number of performances	3 423	1 264	4 687
Number of productions	413	107	520
new productions	107	37	144
Attendance total	819 000	133 227	952 288
per performance	239	105	203
Attendance per 1 000 inhabitants	568	92	660
Income, thousands kroons	226 417	11 295	237 712
from State budget	162 077	1 877	163 954
from local budget	4 700	4 751	9 452
from tickets sold	39 968	2 346	42 314

Source: Statistical Office.

Cinema and film production

746. In 1999, there were 11 cinemas in Estonia, most of them located in Tallinn, Tartu and other bigger towns. Three active film importing and distributing companies imported 79 full-length feature films in 1999: 57 from the United States, 21 from Europe and one from the Commonwealth of Independent States. There were 874,560 visits to cinemas in 1999. Compared with the corresponding figures in 1998, attendance at cinemas decreased by 17.5 per cent.

747. In 1999, 16 full-length and 104 short films were produced in Estonia or 120 films in total (12 per cent fewer than in 1998).

Table 50. Film production, 1999

Type of film	Feature films	Documentaries	Animated films	Commercials	Educational films	Other
Full-length films	4	10	-	-	-	2
movies	3	-	-	-	-	-
video films	1	10	-	-	-	2
Short films	3	20	3	59	8	11
movies	2	-	2	9	-	-
video films	1	20	1	50	8	11

Source: Statistical Office.

Participation in cultural life

748. There has been a decline in participation in cultural activities since the beginning of the 1990s. Towards the mid-1990s, some indicators of participation have demonstrated a slow recovery. Access to culture by various social groups has become greatly differentiated in recent years. Young, well-educated Estonian inhabitants of bigger towns, with incomes above the average, are culturally far more active than others. For the rural population, the access to culture is more limited; this is due to their lower incomes.

749. The preservation of State-financed cultural institutions outside Tallinn (theatres, museums and libraries) is one of the goals of regional cultural policy. Estonian professional theatres have a tradition of organizing performances in smaller towns. During the past two or three years, several new summer festivals have been initiated outside the bigger centres. These kinds of initiatives have also received financial support from State bodies.

Table 51. Participation in cultural life: selected indicators 1988-1998

Indicator	1988	1990	1992	1994	1996	1998
Registered users of public libraries, thousands	498.7	417.3	366.8	344.9	387.4	428.4
Library units lent, millions	10.8	8.9	8.9	11.1	13.6	15.3
Number of amateur performance groups	4 663	...	2 289	2 537	2 625[a]	...
Number of hobby groups in clubs	2 722	...	1 003	654	552[b]	...
Museum attendance, thousands	2 930	1 940	816	808	1 145	1 240
Theatre attendance, thousands[c]	1 518	1 242	690	696	960	967
Cinema attendance, millions	16.3	10.9	3.4	1.4	1.0	1.1
Publishing of books and booklets (millions of copies)	17.1	18.9	16.0	8.6	6.7	6.0

Source: Ministry of Culture.

[a] Since 1996, figures on amateur performance groups have also been obtained from local governments. In 1996 and 1997, the numbers reported were 7,278 and 7,253, respectively.

[b] According to information from local governments, the number of hobby groups in 1996 and 1997 was 2,862 and 2,758, respectively.

[c] From 1996 the numbers include private theatres.

Protection of the cultural rights of persons with disabilities

750. Access by disabled persons to cultural and sports facilities has improved in recent years. The disabled have taken part in the sports activities held in the framework of Special Olympics and the Paraolympics.

751. There is still very little literature available in such formats as sound language and Braille and almost all public events are held without translation into sign language, although the public-service broadcaster Eesti Televisioon daily broadcasts news programme translated into sign language. At the same time there are practically no publications available in simplified languages for persons with disabilities.

Protection of the cultural rights of elderly persons

752. Access of elderly persons to cultural establishments (theatres, libraries and cinemas) has improved over the recent years. Discounts for the elderly are available on certain months, days, etc.

753. The State provides assistance to active non-governmental organizations of the elderly. Prillitoos, a regular TV programme dedicated to the problems of the elderly which has been aired on Estonian television for 10 years, has made a major contribution to forming positive attitudes.

754. The Estonian Gerontology and Geriatrics Association, founded in August 1997, focuses on improving the knowledge of people working with the elderly and the society as a whole about normal ageing, prevention of premature ageing, possibilities of improving the quality of life of people in need of help and assisting family members.

Cultural identity of minorities

755. According to article 49 of the Estonian Constitution everyone has the right to preserve his or her national identity. Article 50 of the Constitution further stipulates that national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to procedure provided by the National Minorities Cultural Autonomy Act.

756. Article 3 of the Act emphasizes and specifies the provisions of article 49 of the Constitution: "(1) Every member of a national minority has the right to preserve his or her ethnic identity, cultural traditions, native language and religious beliefs. (2) It is prohibited to ridicule and to obstruct the practice of ethnic cultural traditions and religious practices and to engage in any activity which is aimed at the forcible assimilation of national minorities."

757. The National Minorities Cultural Autonomy Act is not of an obligatory nature. Its purpose is to encourage national minorities to make use of their constitutional rights. The task of the State authorities is to provide legal guarantees, without interfering in a minority group's or an individual's right to decide for themselves all matters concerning preservation of their ethnic identity, cultural traditions and native language.

758. As stated above, the Concept of the Estonian State Culture Policy and the Government of the Republic Action Plan for Implementing State Culture Policy was adopted by the Riigikogu in 1998. The document stresses that the State shall encourage cultural activities of national minorities and their cultural contacts with their ethnic homelands. Also, the Republic of Estonia shall support countrywide activities of Estonia's national minorities. Under the heading of cultural training, the strengthening of cultural training of national minorities has been stressed.

759. Since 1997 there is a Cultural Council of National Minorities under the Ministry of Culture, which participates in decision-making concerning support to cultural endeavours of national minorities and in coordinating their cultural life and activities. Pursuant to the by-laws of the Cultural Council its functions are, inter alia, to analyse the structure and activities of national minorities' cultural societies, to support cultural societies in developing relations with their motherlands, to develop cooperation between the cultural societies of national minorities and Estonian national societies.

760. Through the Ministry of Culture more than 60 cultural societies and collectives of national minorities receive allocations from the State budget. Both, in 1998 and 1999, EK 2 million were provided to this end. In addition, the State has supported projects presented by the cultural societies through the Integration Foundation. Allocations can also be granted from the budgets of local governments.

761. Eesti Raadio (Estonian Radio) and Eesti Televisioon (Estonian Television) are broadcasting organizations in public law which, in accordance with the Broadcasting Act, are, inter alia, obliged to satisfy the information needs of all nationalities, including national minorities.

762. Estonian Radio transmits various programmes in minority languages. The Russian-language radio channel Raadio 4 broadcasts, in addition to its programme in Russian, several programmes in other languages such as Armenian, Ukrainian and Byelorusian. The main task of Raadio 4 is to inform the non-Estonian-speaking population about the Estonian political environment, to familiarize them with Estonian history, culture, literature and music, to generate interest in the learning of Estonian and to support the aspirations of national groups to preserve their identity, especially in the case of the younger generation.

763. Estonian Television has a daily Russian news programme and a half-hour magazine programme and a special longer programme on weekends.

Mass media

764. In 1999 there were 105 officially registered newspapers published in Estonia, including 73 in Estonian, and 930 periodicals, including 725 in Estonian. There were 17 daily newspapers in 1999, including 13 in Estonian. The only publishing house remaining in State ownership is Perioodika, which publishes 12 different cultural and educational periodicals.

765. In 1999, one public-service broadcaster, Eesti Raadio, and 26 commercial broadcasters are operating in Estonia: 14 of them on the basis of local broadcasting licences, 12 on the basis of regional licences and 1 is operating on the basis of an international licence.

766. There is one public-service broadcaster, Eesti Televisioon, and four commercial TV stations in Estonia, one of them operating on local licence and three on regional licences; in addition, five cable TV licences have been issued.

767. According to the Broadcasting Act, the public-service radio and TV broadcasters should produce "mainly programmes dealing with information, culture, education and entertainment". One channel of the Estonian Radio is entirely devoted to the broadcast of classical music. Of the total broadcast time, 1.8 per cent of the nationwide TV programmes and 13.1 per cent of the local and regional TV programmes were, in 1998, classified as cultural programmes. For the State-owned Estonian Radio, the corresponding figure was 8.3 per cent and for private radio broadcasters, 2.8 per cent.

Protection of the cultural heritage

768. All activities concerning Estonian heritage are regulated by the Heritage Conservation Act adopted in 1994. The Heritage Conservation Act distinguishes between the different types of historical monuments, which ought to be registered by the National Heritage Board. Their use is subject to relatively strict regulation in order to guarantee the preservation of their historical value. According to the law, the responsibility for specifying, controlling and administering regulations concerning cultural monuments lies with local governments and with the Ministry of Culture. Within the Ministry, these functions are being taken care of by the National Heritage Board.

769. Estonia has over 20,000 movable and fixed monuments which are divided into historical, archaeological, architectural, artistic and industrial monuments. As far as attitudes are concerned, the protection of the cultural heritage is seen as an important task both by State officials and by the public. However, the resources from the State budget are quite limited.

770. At the international level, Estonia is a party to several conventions relating to protection of the cultural heritage. Within the Council of Europe, Estonia ratified both the Convention for the Protection of the Architectural Heritage of Europe of 3 October 1985 and the European Convention on the Protection of the Archaeological Heritage of 16 January 1992 in 1996.

771. Since September 1992 Estonia has been represented in the Council of Europe Heritage Committee, and since September 1993 it has participated in the events organized by the Council of Europe and the European Heritage Protection Days Foundation.

772. Estonia has also ratified three UNESCO conventions on the protection of cultural property. These are the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the Convention concerning the Protection of the World Cultural and Natural Heritage, all ratified in 1995. The Historic Centre (Old Town) of Tallinn is included in the world heritage list drawn up by UNESCO.

Freedom of creation and performance

773. The freedom of artistic creation and dissemination of the products of such activities is protected under various articles of the Constitution. It is stated in article 38 that science and art and their instruction are free. Article 45 further stipulates that everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be restricted only by law to protect public order, morals, and the rights and freedoms, health, honour and good name of others. The same article states explicitly that there is no censorship in Estonia.

774. In 1991 the Estonian Press Council was set up by the Estonian Newspaper Association in order to protect freedom of expression and freedom of press. In April 1997 several media organizations decided to reorganize EPC on a wider basis, i.e. as a non-profit organization was founded on the basis of a private agreement between the Newspaper Association, the Association of Broadcasters, the Journalists' Union, the Union of Media Educators and the Consumers' Union; the Network of Estonian Non-profit Organisations, the Estonian Council of Churches and the Baltic News Service have also become members. The organization is meant to be a self-regulating system for the press and its aims are to protect press freedom, to examine complaints about the print and broadcasting media from the aspect of media ethics, to support the development of journalists' professional skills (including ethics) and adherence to the good tradition of journalism.

Professional education in the field of culture and art

775. There are two public universities, two public professional high schools (the most recent of them established in 1999), and one private professional high school educating professional artists, actors and musicians. In addition, two public universities and one private university have departments for professional education in arts, music and theatre. In 1998, the total number of students at diploma and B.A. levels in this field was 1,440; in addition, there were 181 postgraduate students. To date, there is no higher education programme available in cultural management; however, as a result of an initiative from the UNESCO Estonian national committee, such courses are planned for the near future in cooperation with existing universities.

Freedom of scientific research and creative activity

776. The restructuring process of Estonian science started in 1988. The main aim of restructuring Estonian science was to form a balanced system of research, serving both the community and science in general. The necessities of the country are the continued existence of the nation and the State, and progress within the international framework. The opportunities of a small country are, however, limited due to a limited State budget. A comprehensive analysis of the situation of Estonian science is presented in the document "Research and Development in Estonia 1996-1999" annexed to the present report.*

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* Available for consultation in the files of the secretariat.

777. The new legislative system gave the bases for more flexible funding, formed the framework for the structures for the research, and also set the general rules for evaluation. In 1994 the Research Activities Organization Act was adopted by the Riigikogu. In 1997 the amended version, Research and Development Activities Organization Act, was adopted.

778. According to the Act the research and development institutions are autonomous institutions that are free to choose ways and methods of research and development activities and to decide on how to use the results of their activities. The research and development activities in universities are regulated by the University Act.

779. The Estonian Research Fund and the Estonian Innovation Fund allocate budget funds for research activities and innovative projects according to public tenders. All research and development institutions, groups of researchers and individual researchers have a right to participate in those tenders.

780. The State arranges public tenders to finance long-term research activities which are of national importance. The only research and development institutions that are eligible to submit bids for such tenders are those that are registered with the Ministry of Education and are internationally evaluated. This eligibility criterion helps to ensure the quality of research work. The majority of Estonian research institutions are integrated with public universities, turning them into strong research centres where the teaching is based on research work.

781. Estonia has put a lot of emphasis on intellectual rights and their protection. In 1994 the Republic of Estonia joined the Berne Convention for the Protection of Literary and Artistic Works, which provides for the protection of authors' rights outside Estonia. The authors' rights to the use and presentation of his or her work and to the respective remuneration are provided in the Copyright Act. The purpose of the Copyright Act is to ensure the consistent development of culture and the protection of cultural achievements, the development of copyright-based industries and international trade, and to create favourable conditions for authors, performers, producers of phonograms, broadcasting organizations, film producers, creators of databases and other persons specified in the Act for the creation and use of works and other cultural achievements.

782. The Copyright Act provides for the protection of: a specific right (copyright) of authors of literary, artistic and scientific works to the results of their creative activity; the persons who may acquire rights to literary, artistic or scientific works created by an author and the rights of such persons; the rights of performers, producers of phonograms and broadcasting organizations (related rights); the rights of creators of databases, and conditions for the exercise and protection thereof; the related rights of film producers and of other persons specified in the Act. The Act also provides limitations on the exercise of copyright and related rights over the use of works in the interest of the public and guarantees the exercise of copyright and related rights and the protection of such rights.

International cooperation

783. Estonia has signed bilateral cooperation agreements on research, technology and culture with a large number of countries.

784. Estonian researchers have successfully competed for international grants in the Fourth EU Framework Programme and joined the Fifth EU Framework Programme. For coordinating work in those programmes a contact point has been created at the Ministry of Education and an information point. Estonian universities take an active part in such international cooperation programmes as Archimedes, Socrates, Lingua, Erasmus, TEMPUS, PHARE, etc. The Estonian research sector is fully internationalized.

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